

No. 11514

2422

United States
Circuit Court of Appeals
For the Ninth Circuit.

COLGATE-PALMOLIVE-PEET COMPANY,
Petitioner,
vs.
NATIONAL LABOR RELATIONS BOARD,
Respondent,
and
INTERNATIONAL CHEMICAL WORKERS UNION, A.F.L.,
et al., Intervenor,
and
WAREHOUSE UNION LOCAL 6, INTERNATIONAL
LONGSHOREMEN'S & WAREHOUSEMEN'S UNION
(CIO), Intervenor,
and
NATIONAL LABOR RELATIONS BOARD,
Petitioner,
vs.
COLGATE-PALMOLIVE-PEET COMPANY,
Respondent.


Transcript of Record
In Three Volumes
Volume III
Pages 667 to 987

FILED

JUN 20 1947

Upon Petition for Review, and Petition to Enforce Order
of the National Labor Relations Board.

PAUL P. O'BRIEN,
CLERK



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(Testimony of Clifford A. Altman.)

Q. Would it have been in my office last Thursday? A. That was the place.

Q. All right, sir. At what time do you usually arrive at work, Mr. Altman?

A. Around seven-fifteen in the morning.

Q. On July 30 did you arrive at your office about that time? A. Yes, sir.

Q. Did anything unusual occur during the course of the day?

A. In the afternoon something unusual occurred, yes, sir.

Q. Could you place the time?

A. Around 1:45.

Q. Will you relate this unusual incident?

A. Four gentlemen from the union came into my office and handed me a letter stating that the men noted in that letter were not in good standing with the union, and that, therefore, I must dismiss them.

Q. Before we go into that, let me date the events chronologically, Mr. Altman.

Were you at the plant on Saturday, July 28, 1945? A. Yes, sir.

Q. There has been some testimony here about a notice that was posted at the plant at that time. Do you have any recollection of such a notice?

A. Yes, sir.

Q. Can you state in substance what was stated in the notice? A. In that notice?

Q. Yes, please.

A. Well, the notice said that a meeting of the Welfare Association, of the Employees of the Col-

(Testimony of Clifford A. Altman.)

gate-Palmolive-Peet Company was going to be held. I have forgotten the time and place, but I guess that is a matter of record.

Q. Yes, that is sufficiently in the record. That is quite all right, Mr. Altman.

Did you do anything, were you caused to do anything by the reading of that notice?

A. No, sir.

Q. Did you inform any of your fellow executives?

A. I told Mr. Wood about it, yes, sir.

Q. How did you come to tell Mr. Wood about it? [568]

A. He called me on the phone and asked me if anything unusual had happened, and I related this incident.

Q. Did Mr. Wood have any commentary to make?

A. Nothing in particular that I remember.

Q. All right, sir. Let's go back then to July 30. And you were saying that four gentlemen came to your office, and what did they do?

A. They handed me the letter, the contents of which I have already stated.

Do you wish me to repeat it?

Q. Yes, if you will, please.

A. As I remember it, the letter stated that "The following men were no longer in good standing with the union," therefore we must dismiss them immediately from our employ.

Q. Who handed you the letter?

(Testimony of Clifford A. Altman.)

A. I believe it was Paul Heide.

Q. Is it your testimony that they are officers of the CIO union?

A. That was my understanding, yes, sir.

Q. Yes. What did you do when you were handed that notice? By the way, before we get into that, who were named in that notice?

A. Frank Marshall, Harry Smith, Dave Luch-singer, Sanford Moreau, and Clyde Haynes.

Q. I hand you Board's Exhibit 3 and ask you to look at it. [569] A. Ask what?

Q. Ask you to look at it. It purports to be a copy, I think, of the notice you received.

A. (Examining document.)

Trial Examiner Ruckel: That was the notice?

The Witness: The notice, yes, sir.

Q. (By Mr. Hecht): That is the copy of the notice you received? A. Yes, sir.

Q. What did you do after you had been handed that notice?

A. Well, of course, I was much upset by it, and I immediately went over to Mr. Railey's office to confer with him.

Q. And what was the outcome of your conference with Mr. Railey?

A. We came back to my office to communicate with these gentlemen.

Q. And what happened?

A. Well, as you understand, Mr. Railey was the spokesman, and he voiced our sentiment that we

(Testimony of Clifford A. Altman.)

had no reason, so far as we knew, for dismissing these men, and they immediately called attention to the fact that according to our contract if they were not in good standing they could not work there, and our reasoning with them was a protest that we had no reason to dismiss these men.

Q. And what happened after that? [570]

A. Well, the spokesman on the other side said, "Well, if you don't want to dismiss them bring them in here and we will dismiss them."

Q. And did you bring the men in?

A. I did, or I asked them to come in, and they came.

Q. And what else occurred?

A. I think it was Mr. Heide handed each one of them a typewritten piece of paper. These gentlemen read it over, and without comment they crumpled the papers in their hands, stuffed them in their pockets, and walked out.

Q. And did the union representatives remain in your office? A. For a little while, yes.

Q. Was there any further conversation with them?

A. Well, there was some further conversation, not at great lengths, but I do not remember the content of it now.

Q. Did you have an opportunity of seeing what was on the pieces of paper that were handed to the five men? A. No, I never saw them.

Q. Have you ever seen it? A. No, sir.

(Testimony of Clifford A. Altman.)

Q. Did the union officials make any further requests of you?

A. I do not remember of anything further right at that time. [571]

Q. That was the end of the matter, they walked out, and you went back to your duties?

A. That is right.

Q. Were you at the plant on July 31, 1945?

A. Yes, sir.

Q. Anything unusual occur on that date?

A. Yes, sir.

Q. Will you please relate to the Examiner what occurred?

A. Well, there were four men that called on me and——

Q. (Interposing): Before you go any further, will you name the persons, if you know their names?

A. Mr. Sherman, Mr. Lonnberg, Olsen and Thompson.

Q. Were they employees at the plant?

A. Yes, sir.

Q. All right. Will you relate what occurred between you and these gentlemen?

A. They asked me to allow the men who had been sent out of the plant the day before to return to work.

Q. And what did you do upon having that request made of you?

A. My reply was that these men could not be put to work by us until they had answered the

(Testimony of Clifford A. Altman.)

charges made by the union, and they had been restored to good standing.

Q. And was that the end of the matter?

A. They left my office at that time, yes. [572]

Q. Did you communicate this event to either Mr. Railey or Mr. Wood?

A. I can't remember the exact chronological order, but shortly thereafter these men went to Mr. Railey's office and talked to him, and in the meantime the officers of the union came into my office, and I believe it was at that time they handed me a letter saying that the men I have just mentioned were also no longer in good standing with the company and they must be dismissed.

Mr. Hecht: Pardon, Mr. Royster. Did that go into evidence?

Mr. Royster: I am not sure that it did.

(Mr. Royster handed Mr. Hecht a document.)

Q. (By Mr. Hecht): I hand you a photostatic copy of a letter written on the stationery of the Warehousemen's Union dated July 31, 1945, and addressed to the Colgate-Palmolive-Peet Company, attention of Mr. C. A. Altman, signed by Paul Heide, Vice President.

Will you look at it?

A. That is the document.

Q. That is a true copy of the document that was handed you?

A. As I remember it, yes, sir.

(Testimony of Clifford A. Altman.)

Mr. Hecht: Yes. May it be marked as Respondent's next exhibit in order? [573]

(Thereupon the document above referred to was marked Respondent's Exhibit No. 16 for identification.)

Mr. Edises: May I see it?

Mr. Hecht: Yes (handing document).

Mr. Rowell: Let me see it.

(The document was handed to Mr. Rowell.)

Trial Examiner Ruckel: Are you offering it?

Mr. Hecht: We offer it in evidence, Mr. Examiner.

Trial Examiner Ruckel: Any objection to it?

Mr. Royster: No objection.

Trial Examiner Ruckel: It will be received.

(The document heretofore marked Respondent's Exhibit No. 16 for identification was received in evidence.)

Q. (By Mr. Hecht): Mr. Altman, when the four men first walked into your office, and prior to the time that you were handed that letter from the ILWU, did Mr. Thompson or Mr. Sherman or Mr. Lonnberg or Mr. Olsen or someone speaking for them, tell you if they were going to back up their demand in some manner?

A. I don't recall just what they did say.

Q. You don't recall? A. No.

Q. I see.

A. Except I said that they requested us to put the other men back, didn't I, in my former statement? [574]

(Testimony of Clifford A. Altman.)

Q. Yes. A. Yes.

Q. Well, when the union then came in, what did you do? A. I sought help.

Q. And handed you that letter?

A. I sought help. I went to Mr. Railey.

Q. And did you get help?

A. Well, I went over to Mr. Railey's office and showed him the communication, and when I got to Mr. Railey's office the four men mentioned in the message were there.

Q. You mean Messrs. Thompson, Sherman, Lonnberg and Olsen? A. That is right.

Q. Yes. And what happened?

A. Well, while we were conversing there one of the gentlemen from my office called on the phone and said they wanted action immediately on this request.

Q. Who wanted action immediately on what request, Mr. Altman? Will you elaborate?

A. The officers of the union who had handed me this request to dismiss these gentlemen, Sherman, Lonnberg, Olsen and Thompson, and they did not wait for a reply. They came right over and we invited them into the office.

Q. Whose office?

A. Mr. Railey's office, where the other men were.

Q. Yes. What followed after their entry into that office? [575]

A. Well, I don't recall the exact way that they all got together, but in a few minutes the five men

(Testimony of Clifford A. Altman.)

who had gone out the day before— do you want their names?

Q. Yes, will you name them?

A. Marshall, Smith, Luchsinger, Moreau, and Haynes, and the four——

Q. (Interposing): Will you now name the union officers who arrived at the second demand for dismissal?

A. Mr. Lynden, Mr. Duarte——

Mr. Edises (Interposing): Lynden?

The Witness: Lynden, that is right. Mr. Gonick, and I believe Mr. Gleichman was there, and Mr. Lynch.

Q. (By Mr. Hecht): And did any conversation ensue between the persons assembled there?

A. Yes, sir, there was some conversation there. The spokesman for the union said that the men——

Q. (Interposing): Who was he, if you remember?

A. Mr. Lynden. Lynden said these men cited would have to stand trial, and if they were cleared of the charges that had been made against them, why, they would be allowed to return to work, and also the union said they would pay them for the time they lost if they proved that they were innocent.

Q. Did you inquire as to the nature of the charges made against these men? [576]

A. Well, we did at various times ask what the charges were, and the reply was that they were not in good standing and they would have to stand trial.

(Testimony of Clifford A. Altman.)

Q. That is as much information as you got?

A. That is right.

Q. Did any further colloquy take place?

A. Well, the gist of the conference was that we would like to have the employees returned to work, and if they had their differences that they should work them out some other place than our place of business.

Q. Yes.

A. And the officers of the union cited above suggested that these men who had been designated as not being in good standing be requested to leave the plant.

Q. Were they so requested? Did you request them to leave the plant?

A. I do not recall that I requested them in so many words. The upshot was that they went out in the plant——

Trial Examiner Ruckel (Interposing): Who is “they”?

The Witness: These nine men from the working side of the union.

Q. (By Mr. Hecht): Perhaps it will aid you, Mr. Altman, and it might aid the Examiner, to call them the five Stewards and the five committeemen. I think that is a good description. [577]

A. Yes. They went out in the plant and remained around for a short time, and then the five Stewards and the four committeemen, as I recall it, left, and also the Business Agents left.

Q. You mean the officers of the union?

(Testimony of Clifford A. Altman.)

A. The officers, yes.

Q. That ended that particular incident?

A. Yes, sir.

Q. Anything else occur during that day?

A. Well, there were rumors flying around, and the upshot of it was that when the employees went out of our plant at noon for the lunch period they did not return to work at 12:30, that is, the great majority. There were a few who remained on the job all day, but the great majority went out.

Q. When did this "great majority" return to work?

A. Well, the great majority returned to work on the morning of August 3.

Q. Did you plant operate during that period?

A. In a limping way, yes, sir.

Q. And at that time did you know that the ILWU had a pledge not to strike during wartime?

A. Yes, sir.

Mr. Rowell: That is immaterial, whether he knew it or not. [578]

Mr. Hecht: It is very material.

Trial Examiner Ruckel: He may answer.

Q. (By Mr. Hecht): Your answer was "Yes"?

A. Yes, sir.

Q. And there was a stoppage of approximately two or three days at your plant? A. Yes, sir.

Q. Did you at any time between July 30 and the 3rd of August learn from any source, or did you get any information from any source as to what

(Testimony of Clifford A. Altman.)

was alleged to be the reason for this controversy and this work stoppage?

A. Well, nothing definite, no official notice, if that is what you mean.

Q. Well, in the press or elsewhere?

A. Well, I read the articles in several of the daily press, yes.

Q. And what did you learn from the press?

A. Well, there was an accusation of racial discrimination seemed to be the main topic.

Q. Was there any mention in the press as to this IWLW strike pledge?

A. I don't recall that in connection with this article.

Q. Do you know against whom this accusation of discrimination was leveled in the papers?

Mr. Rowell: Well, now, that is going to be excepted to. [579]

Mr. Hecht: I am asking for the truth or falsity of the statement.

Trial Examiner Ruckel: I understand. He may answer.

A. Well, the statement was somewhat non-clear, I thought, as to who was the discriminating party.

Q. (By Mr. Hecht): But you knew that there were charges of that discrimination?

A. Yes, sir.

Q. Did you, during this period, following the period of August 3, did you get any communication of any type from either the committeemen or the discharged stewards?

A. Get any what?

(Testimony of Clifford A. Altman.)

Q. Any communication, were you called on the phone by anyone? A. Not that I recall.

Q. Didn't Mr. Sherman call you on the phone, making some inquiry about his coming to work?

A. That is right.

Q. Will you relate that?

A. Mr. Sherman called me one evening— I don't remember the date, but he asked me if I wanted him to return to work. And I called his attention to the fact that the union had said he was not in good standing, and until he cleared those charges, why, he was not eligible for employment.

Q. Yes. What did Mr. Sherman say to that?

A. He said, "O.K."

Q. That ended that conversation?

A. That ended it.

Q. Mr. Altman, it has been testified here that on August 25— is it August 25? No. Pardon me. I withdraw that question.

Did anything concerning the nine men, to-wit, the five Stewards and the four committeemen, occur on or about August 17?

A. I don't recall the date. It may be that is the date they came to the plant and presented themselves for work.

Is that the date?

Q. That is the incident to which I have reference.

Will you relate to the Examiner just what occurred in connection with that?

A. They came to our plant and presented them-

(Testimony of Clifford A. Altman.)

selves for work, and Mr. Wood, the man who has charge of our labor relations, talked to them.

Q. What was that conversation or that talk?

A. Well, the gist of it was that until they were cleared through the union, why, we couldn't put them to work.

Q. Did any one of the nine men or their spokesman state to Mr. Wood or to you the reason for their being in bad standing with the ILWU?

A. Did they state their reason? [581]

Q. Yes.

A. Or ask their reason?

Q. No. Did they state any reason for being in bad standing with the ILWU?

A. Not so far as I heard.

Q. I see. Did they deny that they were in bad standing with the ILWU?

Mr. Rowell: That is objected to. There is no testimony that they were accused of——

Trial Examiner Ruckel: He may answer.

A. Well, at that time I don't remember that they made any statement one way or the other about that.

Q. (By Mr. Hecht): They made no statement. Going forward to August 31, Mr. Altman, it has been related here that prior to seven o'clock A. M. of that day there was some sort of a glomeration of men, described variously as a picket line, in front of the plant.

Do you recall that incident?

A. Do you mean August or July?

(Testimony of Clifford A. Altman.)

Q. I think it is August, Mr. Altman.

A. Well, maybe if you refresh my memory—I was thinking of the July 31—the stopping of the men to check their books, I understood, although I was not——

Q. (Interposing): I think you are 30 days off on that, Mr. Altman. Maybe this will refresh your recollection. It, I [582] think, was one or two days prior to the removal from employment of about 17 or 18 of your employees.

A. Well, if that is the case, I remember of them stopping them at the gate, yes, and checking.

Q. Who was doing the stopping, if you know?

A. The officers of the union.

Q. Can you name some of those officers?

A. Well, I believe Mr. Gleichman was there, I believe Mr. Gonick was there.

Q. This stopping, as you describe it, for the purpose of checking books, where did it occur? Inside or outside your plant?

A. At first it was just outside the gate.

Q. I mean, did this thing— was this thing finally brought into your gate?

A. Some of it, yes, sir.

Q. How did that come to pass?

A. Well, I believe there was a protest by the Police Department that they were blocking the street, so then they came inside.

Q. Yes. Let me ask you this: Has it been the usual custom at the Respondent's plant to permit

(Testimony of Clifford A. Altman.)

representatives of the ILWU to come in to check such things as dues books, etc? A. Yes, sir.

Q. That is a custom of many years standing?

A. Yes, sir.

Trial Examiner Ruckel: And to collect dues?

The Witness: Yes, sir.

Q. (By Mr. Hecht): Do you know a young lady by the name of Ophelia Reyes, Miss Ophelia Reyes? A. Well, I know the name.

Q. You know the name? A. Yes, sir.

Q. Do you recall someone by that name being employed at the plant? A. Yes, sir.

Q. On the day in question of this picket line, or whatever you want to call it, did you have occasion to walk outside the plant, the fence surrounding the plant, and walk down the block?

A. I believe I did walk down a short way there, yes, sir.

Q. Do you recall approaching a group in which Miss Reyes, it has been testified, was in, and being asked why they were not permitted to come into the plant?

A. I do not remember that incident.

Q. Do you recall at this moment some officer of the union, Business Agent (maybe Mr. Gleichman) stated in your presence that they were not permitted to enter because they were AF of L adherents or participants?

A. I never heard any such statement at all. [584]

Q. Did you stop to talk to anybody in the course of your walk outside the plant?

(Testimony of Clifford A. Altman.)

A. I do not remember of conversing with anybody there.

Mr. Rowell: I move to strike the answer that he didn't make any such statement, Mr. Examiner.

Trial Examiner Ruckel: I beg your pardon?

Mr. Rowell: His memory is apparently a blank on that occasion. I move to strike the answer, that he never heard any such statement. He can't even remember the occasion.

Trial Examiner Ruckel: He gave two answers, and in one he said he recalled making such statement.

Is there some inconsistency, you mean?

Mr. Rowell: No. He says he did not hear a statement made by Mr. Gleichman that these men were not being allowed in because they were A F of L. He remembers that definitely because——

The Witness: I did not hear it. I did not say it was not made.

Trial Examiner Ruckel: What is your point?

Mr. Rowell: He has testified he has no memory as to the occasion. All he can testify is that he doesn't recall whether a statement was made or not.

Mr. Edises: Mr. Examiner, I submit the record speaks for itself.

Trial Examiner Ruckel: I don't follow that. [585]

Mr. Edises: I beg your pardon. The record speaks for itself.

Trial Examiner Ruckel: Go ahead.

Q. (By Mr. Hecht): You didn't hear any such statement, is that your testimony, Mr. Altman?

(Testimony of Clifford A. Altman.)

A. That is my testimony, yes, sir.

Q. Moving forward to August, or rather, September 1, 1945, Mr. Altman, did anything extraordinary occur at the plant on that day?

A. What date?

Q. September 1, 1945.

What is the date of that, when all those 18—

Mr. Royster (Interposing): That was the first, September 1.

Q. (By Mr. Hecht): September 1, yes?

A. Yes, sir, we received another communication.

Q. From the union? A. Yes.

Q. Did you receive it? A. Well, I saw it.

Q. I will show you Board's Exhibit No. 10, the photostatic copy of a letter on ILWU stationery, and ask you to look at it.

A. (Examining document): I saw it, yes, sir.

Q. Will you testify as to whether that is a true copy of [586] the letter received by you?

A. It is.

Q. It is directed to your attention, is it not?

A. Yes, sir.

Q. What did you do with that letter? Did you refer it to Mr. Wood?

A. Well, Mr. Wood and Mr. Railey.

Q. And what happened?

A. Well, later on in the day—as I recall it, this came in in the morning. Later on in the day we called these men cited in the letter into Mr. Riley's office and had some conversation with them.

Q. Did you speak? A. No, sir.

(Testimony of Clifford A. Altman.)

Q. Did Mr. Wood speak?

A. Oh, maybe an occasional word or so, but the main spokesman was Mr. Railey.

Q. And what did Mr. Railey say?

A. Well, his statement was in the form of expressing his—I can't find the word—regret at having to comply with this request. It was not only affecting the people cited in the missive, but it was affecting the company. And, as I recall it, his remarks were in the form of commiserations in connection with the situation.

Q. What other company representatives were present at that [587] time?

A. From the management end?

Q. Yes, sir.

A. Mr. Wood, Mr. Railey, Mr. Stanberry, Mr. Carter, and myself.

Q. Did Mr. Carter or Mr. Stanberry say anything? A. I do not recall that they did.

Q. I will ask you the specific question, whether you heard Mr. Railey at that time and place say “We didn't want you in the first place to join a union, and we fought you. Now you must take the consequences”?

A. I did not hear him make that statement, and it is very unlike the gentleman.

Mr. Rowell: I ask the last part of the answer be stricken.

Trial Examiner Ruckel: It may be stricken.

Q. (By Mr. Hecht): Did you hear any state-

(Testimony of Clifford A. Altman.)

ment that might be in substance similar to that made by Mr. Railey? A. No, sir.

Q. Did you hear either Mr. Wood or Mr. Railey say to anyone present at the time, "If you had not worn the A F of L buttons you wouldn't be in the mess you are in"? A. No, sir.

Q. You are positive of that?

A. Yes, sir. [588]

Mr. Hecht: I guess that is all.

Q. (By Mr. Edises): Mr. Altman, during the entire period of the war, with the exception of this work stoppage of July 31 to August 3, was there any strike or other interruption of production at your plant by the ILWU, or members of the ILWU? A. No, sir.

Mr. Edises: That is all.

Cross Examination

By Mr. Royster:

Q. How long have you been at the Berkeley plant, Mr. Altman?

A. At the Berkeley plant?

Q. Yes, sir.

A. Since September 9, 1920.

Q. Now, you testified that on Saturday, July 28, you saw a notice on the bulletin board which said something about a meeting of Employees Welfare Association? A. I did.

Q. What bulletin board did you see that on?

A. On the bulletin board in "A" Building.

Q. And is that near your office?

(Testimony of Clifford A. Altman.)

A. About 90 feet from my office.

Q. Near a time clock, I believe?

A. Yes, sir.

Q. Did you ever see any other bulletins on that board? [589] A. Have I?

Q. Yes. A. Yes, sir.

Q. You pass by the board frequently?

A. Yes, sir.

Q. Several times a day? A. Yes, sir.

Q. You generally stop to see if there is anything new on the board?

A. If I see anything new I generally read it, yes.

Q. Does the company put up bulletins on that board? A. Yes, sir.

Q. Advices to employees, announcements, that sort of thing? A. Yes, sir.

Q. What limitation is there on the use of that bulletin board, if any? Can anyone come in there and post what they like on it?

A. As far as the company is concerned, yes, sir. Well, maybe I should qualify that. Any employee can put anything up there.

Did you mean that people could come in from the outside and put it up?

Q. Well, that was the way my question was framed. Any employee, you say? [590]

A. Yes, sir.

Q. Do you possess any kind of control over what material goes on that board? A. No, sir.

Q. If an employee wanted to put up an ad there

(Testimony of Clifford A. Altman.)

for Ivory soap, would you think that was all right?

Trial Examiner Ruckel: After all, that is going pretty far.

Mr. Royster: Well, I want it to go pretty far.

A. Well, I don't know. I have never seen anything like that happen, so I can't tell you.

Q. (By Mr. Royster): Well, isn't it true, Mr. Altman, that you expect employees or anyone else who puts up a notice there to put up a notice that is not offensive? If you saw a notice that you thought would be offensive to your employees, wouldn't you tear it down?

Mr. Hecht: I am going to object to the form of the question.

Trial Examiner Ruckel: Well, if he saw a notice that was offensive, you say?

Mr. Royster: Yes.

Trial Examiner Ruckel: Would he tear it down?

Mr. Royster: Yes.

Mr. Hecht: I don't know what relevancy this has.

Mr. Royster: It is just relevant to this extent: I am [591] trying to discover whether or not the company maintained any kind of control over the notices that were posted on the board.

Trial Examiner Ruckel: Objection sustained. Find out if the company ever did tear anything down.

Q. (By Mr. Royster): Have you ever removed any notice from that bulletin board?

(Testimony of Clifford A. Altman.)

A. We have removed our own notices after they were past due.

Q. Have you removed any notices because you thought they should not be on that board?

A. No, sir.

Q. Have you knowledge that any notices have been removed for that reason?

A. No direct knowledge, no, sir.

Q. What indirect knowledge have you?

Mr. Edises: Well, now, I will object to that as obviously calling for matters not within his own knowledge; hearsay.

Mr. Royster: Well, not necessarily.

A. I never saw anybody remove a notice from the bulletin board.

Q. (By Mr. Royster): Well, now, did anybody ever tell you that he had removed a notice from the bulletin board? A. No, sir. [592]

Mr. Hecht: Now, Mr. Examiner—

Mr. Edises (Interposing): He answered “No, sir.”

Trial Examiner Ruckel: If there is an objection, objection overruled.

You may answer.

Mr. Royster: I understand he did answer.

Q. (By Mr. Royster): You have answered, Mr. Altman? A. Yes, sir.

Q. Your answer was “No, sir.”

A. My answer was “No, sir.”

Q. Now, you testified also, Mr. Altman, that on

(Testimony of Clifford A. Altman.)

July 30 the stewards were called to your office and there was a conversation, or at least you were——

A. (Interposing): Not my office.

Q. Mr. Railey's office, was it?

A. That is right.

Q. That there was a conversation then with the ILWU representatives? After the Stewards had been given their letter, they took their letters, as you said, I believe, ——

A. (Interposing): Well, that happened the day before.

Q. July 30?

A. Oh, I thought you said 31st.

Q. I didn't intend to. I meant July 30.

A. Well, I may be mistaken. On the 30th, you are right.

Trial Examiner Ruckel: Off the record.

(Remarks outside the record.) [593]

Trial Examiner Ruckel: On the record.

We will recess until 1:30.

(Whereupon, at 12:00 M. a recess was taken until 1:30 P.M. of the same day.) [594]

(After recess:)

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 P.M.)

Trial Examiner Ruckel: The hearing will resume, please.

Mr. Altman.

CLIFFORD A. ALTMAN

called as a witness by and on behalf of Respondent, having been previously sworn, resumed the stand and testified further as follows:

Cross Examination
(Resumed)

Mr. Royster: Can you tell me at what point——

Mr. Hecht (Interposing): May I just enter an objection at this point, Mr. Examiner? If I recall the testimony correctly, Mr. Royster was examining Mr. Altman on the use of the bulletin boards.

Trial Examiner Ruckel: Yes, sir.

Mr. Hecht: And, as I recall, my motion to dismiss the charge respecting the use of the bulletin boards was granted, there was no refusal of use of the bulletin boards, and I don't think that matter should be gone into on cross examination.

Trial Examiner Ruckel: I think the purpose of going into it was to see if he had notice of what this union scrap was about by reason of having seen——

Mr. Hecht: You mean as to the exhibits of the Board [595] that are in now?

Trial Examiner Ruckel: Yes.

Mr. Hecht: For that limited purpose, that is all right.

Trial Examiner Ruckel: Is that the purpose?

Mr. Royster; Just generally to show he was aware of what appeared on the bulletin board, and that the bulletin board was the company's bulletin board.

(Testimony of Clifford A. Altman.)

Q. (By Mr. Royster): Now, on July 30, Mr. Altman, the company was requested to discharge the five Stewards, or to suspend them from employment. After that had been done you testified that you had further conversations with the ILWU representatives.

Now, may I have the exhibit file?

(The exhibit file was handed to Mr. Royster.)

Q. (By Mr. Royster): Were you aware at that time, during the time that you were conversing with the ILWU representatives, and after the Stewards had been notified of their suspension, that Harry Smith, for example, had then been employed by your company for nearly 15 years?

Mr. Edises: Objected to, incompetent, irrelevant, and immaterial.

Mr. Hecht: I object to that.

Trial Examiner Ruckel: What is the relevancy?

Mr. Royster: I propose to show by this line of questioning [596] that every one of these Stewards was a man who had been in the employ of the company for a great length of time, and suggest to this witness the reasonableness of my conclusion that he explored rather extensively with the ILWU representatives the reasons underlying the requests for suspension.

Mr. Edises: Well, Mr. Examiner, I point out that their length of service with the company is not disputed, it is in the record, and the knowledge of that fact in the mind of this witness is of no ma-

(Testimony of Clifford A. Altman.)

teriality to that issue. He is certainly entitled to ask the direct question as to what was said, but what this witness may have had lurking in the back of his mind has no direct bearing on the issue.

Mr. Royster: This is cross examination, Mr. Edises. And may I inquire: Did you say that the length of time these individuals had been employed was in the record?

Mr. Edises: Isn't it?

Mr. Royster: Oh, yes, it is.

Mr. Hecht: Yes, he put an exhibit in.

Mr. Royster: My impression was you said it was not in the record.

Mr. Edises: No, I say it is in the record.

Trial Examiner Ruckel: Objection sustained.

Q. (By Mr. Royster): Well, what inquiry, if any, did you make then of the ILWU representatives as to the reasons for [597] the requested suspensions?

A. I was not the spokesman.

Q. No. I am asking you what you did, though, Mr. Altman? A. What I did?

Q. Yes. What you asked—

Trial Examiner Ruckel (Interposing): If anything.

The Witness: I beg your pardon?

Trial Examiner Ruckel: If anything. Do you understand the question, Mr. Altman?

The Witness: Why, I am trying to think what I can remember, what was said further than what has been stated.

(Testimony of Clifford A. Altman.)

Mr. Hecht: Well, repeat what you said.

The Witness: I don't know that I can elaborate any more on it.

Q. (By Mr. Royster): Well, did you make any inquiry (you, yourself, now) of any of these ILWU representatives as to the reason for suspending these five stewards?

A. Not that I remember.

Q. Did Mr. Railey make any inquiry in your hearing?

A. We made the statement that we——

Q. (Interposing): Now, just a moment, Mr. Altman.

Mr. Hecht: Let him finish his answer, please.

Mr. Royster: It starts out not being answered. He said, "We made the statement."

The Witness: Speaking for the company. [598]

Q. (By Mr. Royster): I asked him what Mr. Railey asked in his presence of the ILWU representatives concerning the reasons underlying the requested suspensions?

A. I do not recall.

Q. Do you recall if Mr. Railey made any inquiry? A. Well, we——

Q. (Interposing): Just a minute now!

Mr. Hecht: Let him answer.

Mr. Royster: I submit that he is not answering. He is saying "We." I am asking——

Mr. Hecht (Interposing): Well, I move to strike everything——

(Testimony of Clifford A. Altman.)

Trial Examiner Ruckel: He may answer.

Continue with your answer. Did Mr. Railey make any inquiry in your presence as to why the suspension of these men was requested?

The Witness: Well, he certainly made the statement that as far as we knew there was no reason for their being suspended.

Trial Examiner Ruckel: Well, that is a statement. Now, did he make any inquiry as to why they were being requested to be suspended?

The Witness: Well, the statement—or the question was asked, and they replied that they were not in good standing with the union. [599]

Trial Examiner Ruckel: Mr. Railey asked that?

The Witness: Yes.

Trial Examiner Ruckel: You have already testified to that. Did he make any further inquiry?

The Witness: Well, what further inquiry could he make?

Trial Examiner Ruckel: Well, if he didn't make any, just say that he didn't. Maybe he couldn't. We want to know if he did.

The Witness: That is as far as we know.

Q. (By Mr. Royster): In other words, Mr. Railey made no inquiry——

Trial Examiner Ruckel: Aside from——

Mr. Royster (Interposing): He has not testified he made an inquiry.

Mr. Hecht: He has indeed. He said Mr. Railey asked, and the union men said they were in bad standing.

(Testimony of Clifford A. Altman.)

Mr. Royster: I will submit to what the record shows.

Mr. Hecht: The record shows that this witness said——

Mr. Royster (Interposing): Will you read back the record, Miss Reporter, please?

Trial Examiner Ruckel: Read back the record.

(The testimony and statements referred to were read by the reporter.)

Mr. Royster: I will let it drop at that point.

Q. (By Mr. Royster): Now, Mr. Altman, do your duties require [600] that you go out in the operating departments of the plant frequently?

A. I make it my duty to do so, yes, sir.

Q. That is a daily occurrence, is it?

A. Yes, sir.

A. And during the period from about July 21 to July 30, 1945, was it your practice to go out through the plant? A. Yes, sir.

Q. Daily? A. Yes, sir.

Q. During these daily tours of the plant did you become aware that there was, well, a certain amount of unrest among your employees?

A. I did not.

Q. Now, on July 28 you saw on the bulletin board a notice of a meeting to be held by the Employees Welfare Association. What did that mean to you? A. Not a thing!

Q. Nonetheless you saw fit to call it to the attention of Mr. Wood, did you not?

(Testimony of Clifford A. Altman.)

A. Why, I told him about it, yes.

Q. Yes. It was a matter worthy of comment, wasn't it? A. Possibly.

Q. Did you, when you were requested—and when I say “You” at this time I am thinking of the company—when [601] the company was requested to discharge or suspend the five Stewards did you associate that request in any respect with the notice that you saw on the bulletin board July 28?

A. I don't think I did.

Q. Did you know that a meeting of your employees was held at the Finnish Hall on the afternoon of July 30, 1945?

A. Only by hearsay. I didn't attend it.

Q. You learned of it, you knew of it, did you not? A. Yes, sir.

Q. It was a matter generally known throughout the plant, was it not? A. Yes, sir.

Q. And you knew, did you not, that this meeting concerned the union affiliation of your employees?

A. I don't know how I would know that.

Q. Well, I am asking you if you did know it?

A. I did not.

Q. Did you have any opinion as to the purpose of this meeting?

A. There were lots of stories going around, but I had no direct evidence.

Q. Well, did you have any opinion about it?

Mr. Hecht: I think his opinion is not material, Mr. Examiner.

Mr. Royster: The state of this man's mind on

(Testimony of Clifford A. Altman.)

the dates [602] in which we are interested is just as much a matter of fact as the state of his stomach and is just as susceptible of proof.

Mr. Hecht: If you will be consistent with that statement when I examine the other witnesses I will accept it.

Trial Examiner Ruckel: I think it is relevant. You may answer as to what your opinion was.

A. Well, I couldn't help but hear stories, but I had no direct evidence because I was not invited to the meeting, and I did not attend.

Q. (By Mr. Royster): I understand that. Now, I ask you again: what was your opinion, if you had one, with respect to the purpose of this meeting?

Mr. Hecht: When? Before or after the meeting, Mr. Royster?

Mr. Royster: He can tell me when he formed the opinion.

A. That is a pretty hard question to answer, just when I formed an opinion. The events and the news and the gossip and all gathered and accumulated until we finally found out some things, but just when it occurred I couldn't tell you.

Q. (By Mr. Royster): Well, I suppose then, Mr. Altman, you will agree that eventually you discovered that the purpose of this meeting was to disassociate from the ILWU and to choose another bargaining representative?

A. That eventually came out, yes. [603]

(Testimony of Clifford A. Altman.)

Q. Now, will you tell me as best you can when you first learned that?

A. It would have to be a guess. I can't say.

Q. All right. Let's have your best guess.

Mr. Edises: Well, Mr. Examiner, I submit that by the witness' own testimony it is clear that a guess would be utterly valueless for the purposes of the proof. I object to the question on that ground.

Mr. Royster: All right. I will try to put it a little more closely.

Q. (By Mr. Royster): Did you know of the purpose of this meeting on the day following its holding, on July 31?

A. Only by hearsay. The employees did not ask me——

Q. (Interposing): All right. Very well. You have answered.

I am not sure that I correctly recall your testimony on this point, and if I am wrong, you may, of course, correct me.

On August 17, 1945, the testimony is, and I believe you agreed, that the five stewards and the four committeemen applied for reinstatement to their positions.

Was it to you that they applied for reinstatement?

A. Well, Mr. Wood and I together were in the office, in my office, and they came in there, and Mr. Wood was the spokesman.

Q. Now, when they applied to you for reinstatement did you know on that date, August 17, 1945,

(Testimony of Clifford A. Altman.)

that the meeting of July 30 [604] had been held for the purpose of severance from the ILWU and forming another labor organization?

A. I presume it was fairly definitely stated by that time.

Mr. Royster: I believe that is all.

Trial Examiner Ruckel: Any questions by the A F of L?

Mr. Rowell: Just one moment, please. I don't believe I have any questions.

Trial Examiner Ruckel: Any further questions by the Respondent?

Mr. Hecht: Mr. Edises, have you any examination?

Mr. Edises: Just one moment.

Redirect Examination

By Mr. Edises:

Q. Mr. Altman, did you ever arrive at a fixed and definite belief as to what the motive of the ILWU was in requesting these discharges?

A. You mean why they wrote those letters?

Q. That is right. Now, I would like to make my question perfectly clear. I am not asking you as to what may have occurred to you speculatively as possible reasons. The question is whether you ever arrived at any fixed and definite belief as to what the motive of the ILWU was in requesting these discharges?

A. Well, I had never followed it through on that score.

(Testimony of Clifford A. Altman.)

Trial Examiner Ruckel: What is your answer, though?

Mr. Hecht: Will you read the answer, Miss Reporter? [605]

(The answer referred to was read by the reporter.)

Trial Examiner Ruckel: Well, it seems to avoid an answer rather than being an answer.

The question is: Did you ever arrive at a fixed opinion as to what the motive was?

The Witness: Well, if the ILWU did not tell us the reason, anything that I could state would simply be an assumption.

Trial Examiner Ruckel: Well, then, your answer is it did not?

The Witness: That is right.

Mr. Edises: That is all.

Mr. Hecht: May I ask some questions, Mr. Examiner?

Trial Examiner Ruckel: Yes, sir.

Q. (By Mr. Hecht): Mr. Altman, you were asked whether on *October* 17 you already knew about the A F of L movement in the plant, or words to that effect? That is correct, isn't it?

A. Yes.

Q. What else did you know about on August 17 besides this A F of L movement?

A. What else did I know about?

Q. What else did you know besides this A F of L movement?

(Testimony of Clifford A. Altman.)

Mr. Rowell: That calls for an encyclopedic answer, Mr. Examiner. [606]

Q. (By Mr. Hecht): In connection with this matter you know that there had been a work stoppage? A. Yes, sir.

Q. You knew there had been some talk in the paper about racial discrimination?

A. Yes, sir.

Mr. Royster: This is a rehashing of cross examination.

Mr. Hecht: No, it is in response to your questioning.

The Witness: I knew those things. Those were public utterances.

Q. (By Mr. Hecht): As public as the A F of L movement in the plant?

A. Well, the A F of L, as far as I know, never sent me a notice that they were trying to organize our employees.

Does that answer the question?

Q. Yes.

A. It was never put down in writing.

Q. To you personally, that is?

A. To me personally.

Mr. Hecht: I have no further questions.

Mr. Royster: Nothing further for the Board.

Mr. Rowell: May I ask a question?

Trial Examiner Ruckel: Yes.

(Testimony of Clifford A. Altman.)

Recross Examination

By Mr. Rowell:

Q. In regard to the question concerning the motive of the ILWU in requesting the discharges, did you [607] ever form an opinion, although it might not have been as strong as Mr. Edises requested, did you ever form an opinion as to their motive in requesting the discharges?

A. I couldn't form that opinion.

Q. My question is, did you or did you not?

A. I did not.

Q. Did you have some information as to that motive, whether by hearsay or otherwise?

A. Well, there were numerous things that you might have—if you wanted to carry through and say that they were the things that caused it, but I had no evidence as to what that—what lay behind these orders.

Mr. Rowell: I have no further questions.

Trial Examiner Ruckel: That is all.

(Witness excused.)

Mr. Hecht: Call Mr. Carter.

CECIL R. CARTER

called as a witness by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

(Testimony of Cecil R. Carter.)

Direct Examination

By Mr. Hecht:

Q. Will you state your name for the record, Mr. Carter? A. Cecil R. Carter.

Q. What is your business or occupation?

A. Process Supervisor, Colgate-Palmolive-Peet Company, Berkeley.

Q. And were you employed by the—let me put it another way.

How long have you been employed by the Respondent?

A. Since September 1924.

Q. Were you at the plant on or about August—when was that visit of Mr. Howard's?

Mr. Royster: August 25.

Q. (By Mr. Hecht): August 25, 1945, at the plant? A. I was.

Q. What day of the week was that?

A. Saturday.

Q. Where in the plant were you at the time? Oh, yes, I imagine you were all over the plant?

A. All over the plant.

Q. Calling your attention to about 1 or 1:30 in the afternoon, being in "A" Building, can you tell me of anything unusual that occurred at that time?

A. Yes. I was informed by Miss Kaiser, our Plant Nurse, that some of the employees who had been dismissed from the company were in the plant electioneering for the A F of L.

Q. Did you do anything pursuant to that information?

(Testimony of Cecil R. Carter.)

A. I immediately went through the plant to find them. I went through the northern side of the plant first, came [609] back through the middle building, and then went to the "TA" Warehouse where I found them.

Q. What occurred?

A. Well, there was about 20 or 25 employees grouped around Mr. Harvey Howard, Mr. Dave Luchsinger and Mr. Lonnberg.

Q. Were those employees supposed to be at work at that time?

A. They were supposed to be working at that time.

Q. What, if anything, did you do?

A. I motioned to Mr. Luchsinger, and he came over, and I asked him if he had permission to come in the plant. He said, "No," and I reprimanded him and told him that he had worked there long enough, than he knew better than to come into the plant and bring other people in the plant without getting permission. I told him that I would have to escort him to the gate, they would have to leave until such time as they got permission to come in.

Q. You say you escorted them to the gate. Did anything occur at the gate?

A. Going over to the gate either Mr. Luchsinger or Mr. Lonnberg called attention to Mr. Howard that one Mr. Carlisle Harrison was standing on the dock of "A" Building, and Mr. Howard—

Q. (Interposing): Can you identify Mr. Carlisle Harrison [610] a little?

(Testimony of Cecil R. Carter.)

A. Mr. Carlisle Harrison was a former employee of the Company, but he was not at that time. And I understand, after investigating, after escorting the gentlemen to the gate, I investigated and he was brought in there by Mr. Gleichman.

Q. And what did you do when Mr.—whoever it was that called your attention to Mr. Harrison—what did you do with respect to that, if anything?

A. I didn't get that.

Q. Well, when your attention was called to Mr. Carlisle Harrison, did you do anything?

A. Mr. Harvey Howard immediately turned around to me and said, "It is mighty funny that the company will allow the other side in here but won't allow us in."

I said "I didn't know Mr. Carlisle Harrison was in the plant, and I will investigate him the same as I investigated you, and if he has no business in here he will be escorted to the gate the same as you are."

Q. What occurred, if anything, after that?

A. I then went upon the dock and asked Mr. Harrison what business he had in the plant. He told me he was brought in by Mr. Gleichman, he was hired by the union to come out there in order to show Mr. Gleichman the employees and help him check their books. [611]

I then asked Mr. Chuck Grube the same question, and he replied the same thing. And we went to Mr. Gleichman, and he told me the Union was paying Carlisle Harrison to come out there and help him,

(Testimony of Cecil R. Carter.)

and he had just as much right in the plant as he did, and according to the contract for the company he had a right to enter that plant at any time to check dues books.

Q. That is what Mr. Gleichman told you?

A. Yes, sir.

Q. Anything else occur?

A. I then went to the telephone and called Mr. Wood and told him what had happened, and Mr. Wood asked me to go to Mr. Gleichman and ask him to ask Mr. Harrison to leave the plant, rather than have him in there and cause any trouble.

So I went to Mr. Gleichman and asked him, and he got quite peeved over it. And he said he wanted to talk to Charlie Wood on the phone. So we went back and called Charlie Wood again, and they had quite a conversation over the phone. And finally he told me that Mr. Wood wanted to talk to me. So I talked to Mr. Wood on the phone then, and he asked me if I had time to go with Mr. Gleichman and Mr. Harrison and stay with them until they left the plant, and see that they did no electioneering. I told him I had the time to do it, and I did. We went through the plant and I heard no electioneering from either one of them. [612]

Q. Now, before that time, when you escorted Mr. Howard and Mr. Luchsinger and Mr. Lonnberg to the gate, was there anybody at the gate at that time?

A. We had a watchman at the gate.

Q. Do you recall his name? A. Otto.

(Testimony of Cecil R. Carter.)

Q. Did any further conversation ensue between yourself or, rather, strike that.

Did any conversation occur between yourself and Mr. Lonnberg in the presence of Mr. Luchsinger and Mr. Lonnberg and Mr. Howard?

A. With Mr.—

Q. In the presence of Mr. Lonnberg with respect to the way they got into the plant?

A. I asked Otto, "What is the idea of letting these men into the plant without them having permission to come in?" and his remark to me was, "I can't see everything."

Q. Did any of these men say anything; Mr. Luchsinger, Mr. Harvey Howard, or Mr. Lonnberg?

A. Nothing that I know of to the watchman.

Q. To yourself?

A. Well, they remonstrated with me quite fiercely on escorting them to the gate, and Mr. Harvey Howard says, "By the way," he says, "what is your name?" I said, "My name is C. R. Carter," and he said, "Well, you haven't heard the last [613] of this." He says, "You will hear more about this." I said, "I work here six days a week."

Q. Do you know what Mr. Harvey Howard's capacity was?

A. It was the first time I had ever met Mr. Howard.

Q. You did not know what his functions were with respect to Mr. Luchsinger and Mr. Lonnberg?

A. I had heard that he was their organizer.

Q. Has any foreman in your department re-

(Testimony of Cecil R. Carter.)

ported to you any incidents where workers in the plant were threatened for wearing A F of L buttons or distributing A F of L literature?

A. No foreman under me has made such a report to me.

Q. Did any worker personally make such a report to you? A. No, sir.

Mr. Hecht: May I have a moment's recess, Mr. Examiner?

Trial Examiner Ruckel: Yes, we will recess for five minutes.

(A short recess was taken.)

Trial Examiner Ruckel: Any further questions by the Respondent?

Mr. Hecht: Yes, sir, Mr. Examiner.

Q. (By Mr. Hecht): Mr. Carter, do you know Mr. Nick Tate? A. Yes, sir.

Q. He was an employee at your plant?

A. He worked in the Raw Stock Department under Mr. Harvey Nelson as foreman. [614]

Q. Calling your attention to the week prior to August 26, did you see Mr. Nick Tate engage in a conversation with Mr. Gleichman, the man who is here, anywhere in the plant? A. No, sir.

Q. Did you specifically hear Mr. Gleichman accuse, or rather, charge Mr. Nick Tate with being an A F of L organizer? A. I did not.

Q. Calling your attention to September 1, 1945, were you at the plant? A. Yes, sir.

Q. Will you tell me if anything unusual occurred

(Testimony of Cecil R. Carter.)

that day? I have reference, Mr. Carter, to the picket line incident outside the plant?

A. Oh, I don't—I couldn't connect any of these dates with any of these times.

Q. Well, you recall the incident?

A. I recall the incident.

Q. Will you relate what occurred to the best of your recollection?

A. Well, the night before Mr. Altman asked me if I could come down to the plant early the next morning, that he had heard that the Business Agents from the CIO were going to check the books on all the employees coming in the gate. And I asked him what he meant by "early," and he said, "six o'clock." I told him I could. [615]

Q. By the way, what time does work start in the morning? A. 7:30 the whistle blows.

Q. Go on, Mr. Carter.

A. I got to the plant possibly a couple of minutes after six o'clock and went to the front gate and there was nobobdy there, nobody from the union had showed up yet. And I thought it was funny that they were supposed to be there at six o'clock. And I don't think they showed up until it was close to six-thirty, as I remember. It could have been a little after or a little before. I don't remember exactly.

Q. By "union men" you mean representatives of the ILWU? A. Yes.

Q. And do you recall the names of any of those ILWU representatives?

(Testimony of Cecil R. Carter.)

A. Mr. Gleichman was there, and quite a few men that I have never seen before.

Q. Yes. Did they enter the plant?

A. They did not.

Q. Did they take a position any place near the plant? A. They stopped at the front gate.

Q. How far away would you say?

A. Well, right at the gate, I would say.

Q. Is there a sidewalk next to the gate?

A. There is a sidewalk to one side of the gate. It stops there. The gate is an automobile driveway. [616]

Q. Yes. And what else occurred, if anything?

A. When Mr. Gleichman came there he asked me if anybody had come in yet, and I told him there were two or three employees had already gotten in, and I named them to him. And he sent one of the men—I couldn't say who—to go in and check those employees' books that had already gotten in.

Q. Anything else of note occur?

A. Well, when the employees started coming in these union men stopped each one as they came in and asked for their union books, and after they looked at them, why, they came on in the plant.

Q. I think you have told me that the Berkeley police eventually got to the plant?

A. Well, after the employees got to coming quite fast they couldn't check the books fast enough, and the automobiles started backing up in the street. That was a little later on.

(Testimony of Cecil R. Carter.)

Q. That is plant employee automobiles?

A. That is right. And the Berkeley police were there, and this officer came up and told them they couldn't block the city streets, that they would have to let the cars through. So then the union men came inside the gate and started checking the cars after they came through the gate.

Q. And how long did this take? When did it end, if at all?

A. Well, the whistle blows at 7:30, and I think, as close [617] as I can remember, I think they left shortly after eight o'clock.

Q. Yes. At that time, did you hear any union representative make any threat to any of the employees?

A. One of the employees came up there and was quite mad about it and wanted to push his way through, and said they had no right to stop him; a man by the name of Stone.

Q. Yes.

A. And they finally told him he could not go in unless they saw his book. I don't know whether he got his book out and showed it to them or not, but he finally went on in the plant and went to work.

Q. Any other incident of similar nature, do you recall?

A. That is the only one that I know that ran into trouble. There were some of the others that didn't go in, though.

Q. Yes.

(Testimony of Cecil R. Carter.)

A. They were handed letters and told they couldn't go in.

Q. Were you aiding the union officials in this check-up? A. I was not.

Q. Did you yourself prevent any employee from coming into the plant? A. I did not.

Q. Do you know an employee by the name of Alden Lee? A. I do.

Q. Did Mr. Alden Lee on this very day say to you, "What [618] the hell is going on here?"

A. Something to that effect.

Q. And what did you say?

A. I said, "They are checking up on union books."

Mr. Hecht: That is all.

Trial Examiner Ruckel: Questions by the CIO?

Mr. Edises: No questions.

Cross Examination

By Mr. Royster:

Q. Mr. Carter, have you seen Mr. Gleichman in the Respondent's plant on more than one occasion? A. I didn't get the first of that.

Q. Have you seen Mr. Gleichman in the plant on more than one occasion?

A. I have seen him numerous times.

Q. Have you seen Mr. Duarte in the plant?

A. I have.

Q. Have you seen Mr. Gonick in the plant?

A. I have.

(Testimony of Cecil R. Carter.)

Q. Have you ever seen them in the plant unaccompanied by any representative of the management? A. Yes.

Mr. Royster: That is all.

Mr. Rowell: No questions.

Mr. Hecht: Just one more question.

Redirect Examination

By Mr. Hecht:

Q. Mr. Carter, did you form any opinion as to why there was this check-up of dues books?

Mr. Royster: I am going to object to that. I don't think it is material.

Trial Examiner Ruckel: This man took no part in determining the discharge, did he?

Mr. Hecht: No, but, as I understand it, testimony was admitted here on the ground he was part of this company's state of mind.

Mr. Royster: I tink I can say that none of the Board's testimony was to show the state of mind of Mr. Carter.

Mr. Hecht: Well, the testimony as to the threat or the accusation against Mr. Tate was tied up to Mr. Carter, and I assume that the reason for tying it up is to show knowledge on the part of the company.

Mr. Royster: Yes, but I don't think your premise follows from that.

Trial Examiner Ruckel: It is a little different. read the question, please?

(Testimony of Cecil R. Carter.)

(The question referred to was read by the reporter.)

Trial Examiner Ruckel: He may answer.

A. I was told by a Union Business Agent (as I remember, Mr. Gleichman made the statement) that the dues books were in such a mess that it was going to be an awful headache getting them straightened out. [620]

Q. (By Mr. Hecht): You formed no opinion, but this was stated to you?

A. That is all I had to go by.

Mr. Hecht: That is all.

Mr. Rowell: Could I ask one question?

Recross Examination

By Mr. Rowell:

Q. You mentioned the delivery of these letters, letters by the CIO Union.

A. I didn't hear the first part of your question.

Q. I was asking about these letters. I think you testified that the CIO Union people at the gate delivered some letters to certain of the employees as they came to the gate.

A. That is right.

Q. Is that right? A. That is right.

Q. These letters, they had them prepared already in their hands?

A. They were in an envelope.

Q. They would pull the out of the envelope and deliver them to these people?

A. They handed the employees the envelope, and

(Testimony of Cecil R. Carter.)

the ones they handed the envelope to, they told them they couldn't go in.

Mr. Rowell: That is all.

Mr. Royster: Nothing further. [621]

Trial Examiner Ruckel: That is all.

(Witness excused.)

Mr. Hecht: Mr. Stanberry, will you take the stand, please?

DON E. STANBERRY

called as a witness by and on behalf of Colgate-Palmolive-Peet Company, Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Hecht:

Q. Mr. Stanberry, will you give your name for the record, please?

A. Don E. Stanberry, S-t-a-n-b-e-r-r-y.

Q. And what is your business or occupation?

A. I am Production Supervisor, Colgate-Palmolive-Peet Company, Berkeley.

Q. And how long have you been employed at Respondent's plant? A. Since 1935.

Q. And you were employed in your present capacity all during the months of July, August, and September? A. I was.

(Testimony of Don E. Stanberry.)

Mr. Hecht: Mr. Examiner, I am sorry. May I recall Mr. Carter?

That is all right. Let it go.

Q. (By Mr. Hecht): Do you know a Mr. Albert Zulaica? [622] A. I do.

Q. During the month of August did Mr. Zulaica come to you with a complaint about having been threatened for wearing an AF of L button and electioneering for AF of L?

A. Perhaps, direct; either directly or indirectly. I don't remember whether it was directly from him or through his foreman.

Q. Do you recall the nature of the complaint?

A. Well, the complaint was that Charles Leacock and other identified colored people were threatening the men at night.

Q. Was the reason for the threat given you?

A. I believe they stated it was connected with wearing AF of L buttons.

Q. Did you take any action in connection with that? A. I did not.

Q. Did you speak to Mr. Zulaica about the matter? A. Yes, I did.

Q. By the way, what was Mr. Leacock's position?

A. Mr. Leacock was porter, and he was also a CIO Steward.

Q. I take it Mr. Leacock did not hold any foreman's position, any supervisory position?

A. He held no supervisory position whatsoever.

Q. Did you hold a conversation with Mr. Zulaica

(Testimony of Don E. Stanberry.)

with respect to his dealings with Mr. Leacock? [623]

A. Yes, I did.

Q. And will you give us the burden of the conversation?

A. Well, it was more in the nature of a request from Zulaica for advice as to what to do in the situation, the general situation as well as this particular incident. And I went over the whole situation with him from beginning to end, and pointed out that the best legal advice we had been able to obtain substantiated the fact that our present CIO contract was valid, and that that required that anyone working for the company would have to be a member of the CIO Union, and also be in good standing. I also pointed out that what meant to be in good standing we did not know, and the union had never told us the exact reason for the previous dismissals or suspensions, I should say, other than that they were not in good standing.

Q. Did you advise him that Mr. Leacock had as much a right to express an opinion in the controversy as anybody else?

A. That is quite true.

Q. Did you advise him to avoid controversy with Mr. Leacock?

A. Well, I told him the best thing was to try to smooth it over as easily as he could.

Q. Mr. Stanberry, were you in the plant September 1, 1945?

A. September 1? Yes.

Q. Yes. Do you recall the occasion when something like 18 [624] employees were called into Mr. Railey's office?

A. Yes, I was there.

(Testimony of Don E. Stanberry.)

Q. And do you recall Mr. Railey stating that he had never wanted a union in the first place, that now the employes had it they had to take the consequences?

A. I did not hear him make such a statement.

Q. Did you hear anything substantially to that effect? A. I did not.

Q. Did you hear either Mr. Railey or Mr. Wood or Mr. Altman, or either of them, state that the reason they were in such a mess is because they were wearing AF of L buttons? A. I did not.

Mr. Hecht: I think that is all.

Mr. Edises: No questions.

Trial Examiner Ruckel: Questions?

Mr. Royster:: No questions?

Mr. Rowell: No questions.

Trial Examiner Ruckel: That is all.

(Witness excused.)

Mr. Hecht: Mr. Wood.

Mr. Wood: Do you swear me again, or have I been sworn?

Trial Examiner Ruckel: You have been sworn, so I won't swear you again.

CHARLES WOOD

called as a witness by and on behalf of Colgate-Palmolive-Peet [625] Company, Respondent, having been previously sworn, was examined and testified as follows:

(Testimony of Charles Wood.)

Direct Examination

By Mr. Hecht:

Q. Mr. Wood, you have already stated your name, haven't you? A. Yes, sir.

Q. And you have already given your employment with the Respondent? A. Yes, sir.

Q. You have been employed approximately 25 years? A. 25 years.

Q. And in addition to your position or function as a Purchasing Agent, what other functions do you perform for the Respondent?

A. I handle the labor relations.

Q. Will you expand a little more on that, if you will?

A. Well, I attend to the negotiations with the committee, make the decisions with respect to the labor matters.

Q. Yes. And, if it isn't digressing too far, I do not direct the labor in the factory. After the help are in there, why, the factory people handle it. I have nothing to do with that. But if a dispute comes up that is of sufficient importance so that it cannot be settled by the foreman and a meeting is necessary, I take charge of that meeting and make the company's decisions. [626]

Q. Mr. Wood, were you at the plant— let's put it another way.

Were you in Berkeley on July 26, 1945?

A. I was.

(Testimony of Charles Wood.)

Q. Did you have any knowledge of the dinner meeting held by the employees on July 26?

A. I did not.

Q. Were you in the plant July 28?

A. No, sir.

Q. Where were you on July 28?

A. At home.

Q. Did you arrive at the plant at all?

A. I didn't visit the plant at all.

Q. Did you on that day call Mr. Altman, or did Mr. Altman call you?

A. I called Mr. Altman.

Q. How did you come to learn of the notice posted on July 28, 1945?

A. When I called him I asked him if there was anything doing, and he told me "No." Having in mind— well, I don't know whether I ought to say that or not. So much goes here I don't hardly know where to stop.

Mr. Royster: Well, nobody stopped you.

Mr. Hecht: Will you read Mr. Wood's partial answer?

(The answer referred to was read by the reporter.) [627]

Q. (By Mr. Hecht): Well, Mr. Wood, did the notice, or the advice you received with reference to the notice, mean anything to you?

A. It did not.

Q. Did the title "Employees Welfare Association" suggest anything to you?

(Testimony of Charles Wood.)

A. Well, somewhat vaguely. I had in mind that perhaps they were getting up some sort of a welfare association. They have similar things in other plants, independent of the unions, that have credit facilities for men banking.

Q. To put it in other words, Mr. Woods, it didn't strike you as a collective bargaining agency?

A. Not at all, not at all.

Q. Yes. On July 29 were you in Berkeley, or at the plant? A. I was not.

Q. On July 30? A. No.

Q. On July 31? A. No.

Q. Where were you on those dates?

A. At Portland.

Q. At Portland. While at Portland did you come to hear of some of the matters that have been testified to here? A. Yes, sir.

Q. Who advised you as to them? [628]

A. Could I ask you to be a little more explicit?

Q. Who told you about it?

A. Well, the first thing, I had been unable to get the plant on the phone all day. The telephone lines were badly congested, evidently. It was a Monday, about eight o'clock at night I succeeded in getting Mrs. Sellers, my secretary, on the phone, and discussed certain matters pertaining to purchasing with her, materials. We were badly short of many critical materials at this time. And she says, "Have you heard from anybody that they let out a number of men today?" I says, "No, I did not."

(Testimony of Charles Wood.)

Q. What date was this, Mr. Wood?

A. That was on July 30.

Q. Yes. A. Late in the evening.

Q. Did you eventually hear from Mr. Railey or Mr. Altman?

A. Not until the following morning.

Mr. Royster: The witness has not concluded his testimony with respect to what he heard from Mrs. Sellers.

The Witness: Do you want the conversation from Mrs. Sellers?

Trial Examiner Ruckel: Have you finished your conversation on the phone with your secretary?

The Witness: Yes, except she said that they were the stewards that were let out. I asked her if she knew why. She [629] said, "No," that they had been busy all day and hadn't got the particulars.

Q. (By Mr. Hecht): Did you eventually talk to Mr. Altman or Mr. Railey?

A. I talked to Mr. Railey.

Q. And what information——

A. (Interposing): The following day.

Q. That is July 31? A. Yes, sir.

Q. What information, if any, did he give you with reference to the incidents of July 30 and 31?

A. He told me the story of what has been testified here today.

Q. Testified by Mr. Railey or the other persons here?

(Testimony of Charles Wood.)

A. Well, he told me that— well, may I tell the story, what he told me?

Q. Well, concisely, if you will.

A. Yes. He told me that the day before, early in the morning, the CIO had demanded the release of Messrs. Marshall, Smith, Haynes, Luchsinger, and Moreau. And I asked him why. Well, he said they brought out a letter demanding that we release them as they were not in good standing with the union, and they could not be employed until the matter of their suspension had been determined. He read the letter to me, in fact. [630]

Q. Did you inquire of Mr. Railey whether he had asked the reason for their not being in good standing?

A. I asked him if he knew what was back of it all, and he said he didn't, that he was at a loss to understand it.

Q. When did you return to Berkeley and to your occupation?

A. I arrived on the Cascade, that got in around two o'clock on August—Wednesday, August 1. I—let me coordinate those dates. I think that is right.

Q. Did you go to the plant?

A. I went to the plant immediately.

Q. And what did you find there?

A. I found the plant shut down.

Q. And for how long was the plant shut down, Mr. Wood?

(Testimony of Charles Wood.)

A. The plant was shut down that afternoon and the following day.

Q. In other words, there was a work stoppage at the plant? A. A work stoppage, yes.

Q. Were you aware at that time, Mr. Wood, that the ILWU had a no-strike pledge for the wartime?

A. I was very well aware of it.

Q. Did you get any information from any source respecting the work stoppage and the suspension of the five stewards and four committeemen from any source at that time when you returned?

A. From Mr. Railey. [631]

Q. Did he expand further on what he told you over the phone?

A. No, he told me substantially the same thing. He told me the history of everything that had happened up to date, how he had gone to the meeting, and the meetings that had been held, that he knew of.

Q. Did you have any opinion as to the probable cause for the discharge of the five stewards, Mr. Wood?

A. Well, not definite at that time at all.

Q. On what was it based?

A. I beg your pardon?

Q. On what was it based, such opinion as you had?

A. Well, I knew of the no-strike pledge, I had heard that the stewards had been in difficulty with the union for not carrying out the anti-racial discrimination policy.

(Testimony of Charles Wood.)

Q. Had you heard of any previous trouble that the stewards had had with the union, directing your attention to about December, 1944?

A. December, 1944?

Q. Maybe I am in error as to the date.

A. Well, that is a long time back, that was nearly a year. I had heard of— I had heard that the Stewards had been summoned before the— some regulatory body of the union and censured for not carrying out the anti-racial discrimination policy, but whether it was December or not, as far back as that, but it was quite a long period before the first of August back.

Q. Had you heard anything in connection with failure to check on dues paying?

A. I had not at that time.

Q. Had you heard anything in connection with failure to get the men who were not ILWU to come into the ILWU?

A. Not at that time.

Q. Not at that time. Did you and Mr. Railey do anything about getting legal counsel in connection with the interpretation of your collective bargaining agreement with the ILWU?

A. Yes, sir.

Mr. Rowell: Well, Mr. Examiner, that is a similar inquiry that I tried one time.

Mr. Hecht: That state of mind of these persons, Mr. Examiner.

Mr. Edises: A question of good faith enters in here, Mr. Examiner.

(Testimony of Charles Wood.)

Trial Examiner Ruckel: He may answer.

A. Yes, we did.

Q. (By Mr. Hecht): And what is it you did?

A. Well, when I returned Mr. Railey showed me a letter from Clark & Heafey.

Q. What are they?

A. Attorneys. They had been our regular attorneys in [633] Oakland. In which they advised that——

Mr. Royster (Interposing): May I interrupt here? It seems to me that it is perfectly pertinent to show that the company sought legal advice, and I think that has been shown. Now, it seems to me further that it can only be shown that the company did or did not act in accordance with that advice. Now, just what they did, or what the advice was——

Mr. Hecht (Interposing): Yes, I will cut that short, Mr. Royster.

Q. (By Mr. Hecht): And did you act in accordance with that advice? A. We did.

Q. Directing your attention to Section 3 of the contract, were you advised that you had to comply with the terms of that Section 3 strictly?

A. We were.

Q. Were you further advised that you could not set yourselves up to judge the justice of putting these men in bad standing? A. We were.

Q. And you acted accordingly?

A. We did so.

Q. Were you at the plant on or about August 17, 1945? To refresh your recollection that is the

(Testimony of Charles Wood.)

date when the 9, to-wit, the five stewards and the four committeemen, came and [634] asked for their employment? A. Yes, sir; yes.

Q. Well, will you relate in your own words, give your version of that incident?

A. I was in my office, and Mr. Altman came and said, "Will you come over to my office with me? Those nine fellows"—I think was his language—"that were suspended are over there and want to go back to work."

I retired to his office with him, and there were that group. Do I need to name them?

Q. No, we know who they are already sufficiently.

Trial Examiner Ruckel: No.

A. The group were in there, and they were in their working clothes. Some of them had their lunch boxes with them. And Mr. Sherman, with a gesture of both hands, says, "Well, we are here to go to work." And, to the best of my recollection, I fell back on our legal advice, that "We have a contract with the CIO, and you have been suspended on their order for violation of the constitution and by-laws, and we must observe that contract. I am very sorry, but I don't see how we could put you back to work under the conditions. You will have to remain out until the issue has been determined between you and the CIO."

Q. Calling your attention, Mr. Wood, to August 30, 1945, did you on that date have a conversation with Mr. Hack [635] Gleichman?

(Testimony of Charles Wood.)

A. I think so, there about that date anyway.

Q. Will you tell us the substance of that conversation as well as you can recollect it?

A. Well, my recollection of the conversations of August 30 and 31 are pretty well merged together. If it is permissible——

Q. (Interposing): Well, if you can, please give it to us chronologically. Let's stick first to the August 30 events, if you will.

A. Well I think it was August 30 that he came to me and he had a list of employees that he wanted us to let out. It was a long list. He had two sheets of this eight and a half by thirteen blue-lined paper such as we are using here, and in addition to that a first sheet that was in front of the others that had been torn off, and he had, maybe, a quarter or a third of that sheet at the top of the paper, and he had a list of names there, and he handed me that—wanted to hand me that sheet of paper, and demanded that we release that group immediately. I didn't take the sheet from him, but I wanted to see what was on it, nevertheless. And as he turned the sheet, I noticed that the first page was completely filled with names, I might say the first part of a page was completely filled with names, the second page was completely filled, and the third page was filled down within maybe five or six lines of the bottom of the page. And he says, "These [636] people here are in bad standing, and some of them, their dues aren't paid," and he says, "We want you to let them out right off."

(Testimony of Charles Wood.)

I laughed at him and told him to "Go to hell," and that I was not going to act on any such order, that if he had anything like that, that I wanted a letter from the union signed by some duly authorized officer, notifying us to that effect.

Well, he says, "I will get you one." I said, "Well, this thing has gone too far. You are getting too many people involved here. Why, the first thing you know, if this keeps on, we will be shut down," and I says, "I want to talk to Mr. Heide about this thing before we get into this thing any deeper."

He says, "All right, I will see if I can get him to come out here," and Mr. Heide came out, and we discussed the thing. And I pointed out again to Mr. Heide—he had Mr. Duarte with him, that it was taking too many men out of the plant, and that it was seriously—any such number of men would seriously interrupt our operations, that there were men there in key positions.

Well, he, Heide, arose and said, "Well, we will talk it over and let you know."

Now, afterwards I counted on one of my own sheets the number of lines on those sheets, and from the number of names, [637] the appearance of the sheets, the number of names, I estimate that the sheet that Mr. Gleichman wanted me to take to let them out——

Pardon me. Let me start over again.

I would estimate that the number of men that he had on the sheets which he wanted me to take and then let out that group of men comprised be-

(Testimony of Charles Wood.)

tween, oh, 60 and 65 names; maybe possibly 70.

Q. Did you count the names on Mr. Gleichman's sheet, Mr. Wood?

A. I observed that the first sheet was 25 or 30 per cent filled.

Q. Yes.

A. No, that was 25 or 30 per cent of the length of the full sheet was filled with names, the second sheet was filled with names, the third sheet was filled with names down to within, oh, two or three inches of the bottom of the page.

Q. Did Mr. Gleichman give you any reason for wanting to have you remove these men?

A. Well, he said they were in bad standing, that they were no good, and that they—a lot of them weren't up in their dues, and I terminated the conversation as quickly as I could.

Q. Well,—

Mr. Rowell (Interposing): Let him finish his answer. He [638] is doing fine.

Mr. Royster: This is very interesting.

Q. (By Mr. Hecht): Can you be a little more concise, Mr. Wood?

The Witness: Would you read back my answer?

(The answer referred to was read by the reporter.)

The Witness: In addition to that, I think he said there were a large number that were not members of the union.

Q. (By Mr. Hecht): I see.

A. I think that is about the substance of the con-

(Testimony of Charles Wood.)

versation, except he kept reiterating his demand that we release the whole list.

Q. Eventually did you get a letter from the union? A. We did.

Q. On what date?

A. Mr. Altman reported to me that that morning, over the phone, he had received a letter from the union demanding the release of, I think it was 18 men. It might have possibly been 19. I have forgotten. That it was handed to him by Mr. Gleichman.

Q. Yes. And that is the number of men that you called into your office, I believe, on September 1? A. Yes, sir.

Q. Will you tell me what occurred on that occasion?

A. Well, I told Mr. Altman to—— [639]

Q. (Interposing): Oh, let me digress for a moment.

When you were handed that list of 17 men did you again seek legal advice?

A. When Mr. Altman phoned me that he had that list of names I told him—I was not at the factory, I was home—that was again a Saturday. I do not usually go to the plant on Saturdays.

Q. Yes.

A. And I told him, “Sit tight until he heard from me.”

Q. Yes.

A. I attempted to contact Mr. Crum, who was

(Testimony of Charles Wood.)

our attorney, and he was out of the city. I was advised, I think, that he was at his summer home. I was unable to get him. Mr. Altman called me again, and I told him to continue to wait, that I wanted to get hold of Heide and see if we could prevail upon him to cancel the request.

Well, he says, "Mr. Gleichman is putting the heat on me pretty heavy for immediate action." Well, I says, "He is not offering to kill you," or words to that effect. And he says, "No." Well, I says, "You sit tight until you hear from me."

I think there were several such conversations until about 1:30 Mr. Altman called me again and says that he was unable to hold Mr. Gleichman off any longer, that he wanted to—us to take immediate action. Well, I says I had been [640] trying to get Mr. Heide and I had been unable to do so. "I think I will come down."

Well, he says, "Do you want me to call Railey and get him to come over?" Well, I says, "I think that will be a good idea. You might get him at the Claremont Country Club."

He called the Claremont Country Club and evidently got Mr. Railey.

I changed my clothes and shaved and came down to the plant and found Mr. Railey there in his office when I got there. I was shown the letter, and we discussed the procedure that we would follow to let out such a large group of men.

Mr. Railey wanted to soften the blow as much as possible. A lot of them had been there a long time

(Testimony of Charles Wood.)

and he didn't like them to think we were just throwing them out without any consideration. So it was decided that we would call them down into his office. And Mr. Altman took the responsibility of having all these people notified that they should come down. It took some little time to gather them. But after they got there, why, we showed them the letter and told them that we were very sorry but under the terms of our contract we had no alternative except to abide by its terms.

Q. Were Mr. Carter and Mr. Stanberry there?

A. Mr. Carter and Mr. Stanberry were in the office, Mr. Railey was there, Mr. Altman, was there, and these 18-odd people that—I don't need to recite their names, do I? [641]

Q. No. Did you at any time during the course of that meeting state to anyone present that the reason they had gotten into this mess was because they were wearing A. F. of L. buttons?

A. I did not.

Q. Did you hear Mr. Railey make such a statement? A. He did not.

Q. Did you hear Mr. Altman make such a statement? A. I did not.

Q. Is it possible that they could have made such a statement and you can't remember it now?

A. I would have remembered it if I heard it.

Q. Did you hear Mr. Railey state that you hadn't wanted the union in the first place and the employees now could take the consequences?

A. Mr. Railey made no such statement.

(Testimony of Charles Wood.)

Q. Was anything said by any one of these 18 employees that were there present at the time?

A. Well, I should say so. When they first started, came in, Mr. Railey said a few words to them, and then he asked me to sit down in his chair and explain to them the whole situation. I read the laws out of the contract, and told them again—as a matter of fact, I think that statement was made repeatedly in the meeting, that under the terms of the contract we had no alternative except to accede to the demand [642] of the union with respect to suspending these men until the case had been settled. The longer the meeting lasted, why, the louder it grew, and it was not a great while before everybody was talking in loud tones of voice, and except the people you were talking to it would be very difficult to tell what anybody else was saying.

Q. Mr. Wood, you were present here when Mrs. Kay Norris made the statement——

A. I was, yes.

Q. Or, rather, testified that she made certain statements to you. Did you make such statements?

A. I have forgotten what they were.

Q. She had asked you whether the reason they were being put in bad standing was because they had worn A. F. of L. buttons and distributed A. F. of L. literature?

A. I don't remember of her having said that.

Trial Examiner Ruckel: Just a moment.

Q. (By Mr. Hecht): You have heard her testimony that you said, "Maybe that is the reason?"

(Testimony of Charles Wood.)

A. No, I don't recall any such statement.

Q. I see. When you called Paul Heide about this list of 18 did you ask him the reason why these men and women were being put in bad standing?

A. I did.

Q. What answer did you get from Heide? [643]

A. He said that they had violated their oath, the constitution and by-laws and their oath of office, their office of—the oath they took upon initiation; excuse me.

Q. Did you make a bona fide effort, Mr. Wood, to press Mr. Heide for further details?

A. I certainly did.

Mr. Royster: I object to the form of that question.

Trial Examiner Ruckel: Objection sustained.

Q. (By Mr. Hecht): Well, did you make any further effort?

A. I made further ones, yes, and I had made previous ones.

Q. And that is the most satisfactory answer you got?

Mr. Royster: I object to that. That is leading, for one thing, and suggestive.

Q. (By Mr. Hecht): Well, that is all you got?

A. That is the only answer I ever got.

Q. All right. On September 1, 1945, or let us even carry it further, September 15, 1945, had you, Mr. Wood, formed any definite opinion for the reason why these men were being put in bad standing by the union?

(Testimony of Charles Wood.)

A. No, I hadn't. I was somewhat bewildered.

Q. What was the reason for your bewilderment?

A. Well, I didn't think that it was only for union activities alone, or anti-union activities alone, because many people had not been disturbed that I had observed wearing buttons and passing out literature. [644]

Trial Examiner Ruckel: What kind of buttons and what kind of literature?

The Witness: The A. F. of L. buttons.

Q. (By Mr. Hecht): Are some of those persons still in your employ, Mr. Wood? A. They are.

Mr. Hecht: Do you gentlemen care for the names?

Mr. Royster: I don't want them.

Trial Examiner Ruckel: What is the question?

Mr. Rowell: The question is, who passed out A. F. of L. buttons in the plant.

Mr. Hecht: That are still in the employ of the company.

Trial Examiner Ruckel: What was your question?

Mr. Hecht: I was asking the gentlemen——

Mr. Rowell (Interposing): If he knows them.

Mr. Edises: I submit it would be a matter of development by counsel for the prosecution if they have any questions as to——

Trial Examiner Ruckel (Interposing): I think we better leave it there. I think it is of some importance that there were others who wore buttons and passed out literature whose discharge was not

(Testimony of Charles Wood.)

requested. It might have been that they subsequently got themselves in good standing. I don't know.

Q. (By Mr. Hecht): Did those persons, Mr. Wood, to whom you have reference, continue to wear the A. F. of L. button and [645] pass out the A. F. of L. literature up to and including the date of the election? A. They did, sir.

Q. Are those persons still in your employ?

A. They are.

Mr. Hecht: Mr. Examiner, may we go off the record?

Trial Examiner Ruckel: We will recess for 10 minutes.

(A short recess was taken.)

Trial Examiner Ruckel: Read the last question and answer, please.

(The question and answer referred to were read by the reporter.)

Trial Examiner Ruckel: Any further questions?

Mr. Hecht: Yes, Mr. Examiner.

Q. (By Mr. Hecht): Reverting to that meeting, so-called, of September 1, 1945, have you covered all of what was said in your recollection at that meeting, Mr. Wood?

A. Well, having in mind the statement that Mr. Railey is accused of making, I recall that Kay Norris started quite a discussion about the legality of the contract, and said that she had taken—had legal advice, she had a lawyer of her own that knew more

(Testimony of Charles Wood.)

about it than our lawyers or the CIO lawyers either, and that they said that the contract was no good. And throughout the whole meeting there was a whole lot of recriminations all over the room. You heard different [646] people saying that the officers of the CIO were a bunch of Communists and a bunch of crooks and they didn't properly account for the money, and she was among those that said it. And then the remark was repeatedly made, "Well, what good has the union done us for the last three years? We have been paying dues month after month and they haven't gotten us any raises in pay."

Well, I turned to her then and I said, "Well, it is your union; it is not ours."

Trial Examiner Ruckel: Did you say something about having selected the union in the first place, something to that effect?

The Witness: No, I did not.

Trial Examiner Ruckel: I think yesterday the word "selected" was used in some connection. I don't remember.

The Witness: No, I did not. I do not recall that language. I said, "It was your union." I might have said, "You picked it." I did say that it was not ours.

Q. (By Mr. Hecht): Mr. Wood, were you present yesterday or the day before (I don't recall) when Mr. Henry Hellbaum was present?

A. Yes.

Q. Do you recall his testimony?

A. I do.

(Testimony of Charles Wood.)

Q. With reference to a conversation had with you? [647] A. Yes.

Q. Will you give us your version of that conversation and the incidents leading to it?

A. Well, somebody called me on the phone and told me that Hellbaum was down in the basement and was holding a meeting of the entire group of employees in that department. I think it was Grube that called me. Well, I says, "Run him out of there. They have no business doing that in working hours, and I will come down and talk to him."

I went down to the basement, and by the time I had gotten there the meeting had broken up, and Hellbaum was no longer there. I then went down to the boiler room and looked around for him. He was not there. And I asked where he was. I think one of the foremen, it was, that told me, "Well, you will find him in the Toilet Articles Department now."

I went over to the Toilet Articles Department, and he was there with a small group of employees. And I called him to one side and told him that the company had got to remain neutral, and that it was impossible to let him around assembling the employees for the purposes of electioneering."

Q. This was a work period at the plant?

A. A work period, yes.

Q. Was Mr. Hellbaum supposed to be at his work at that time?

A. Well, I also suggested that he better get back in the [648] boiler room where he belonged,

(Testimony of Charles Wood.)

that he had had a bad accident down there once and we didn't want a repetition of it.

Q. As to the five shop stewards and the four committeemen, did you eventually get word from the union, or from some union representative as to their status in the union, final status in the union?

A. I did.

Q. And what information did you get with respect to them, and about when, Mr. Wood?

A. Well, it was around, oh, I should say the middle of November. My memory is hazy when it occurred.

Q. Yes.

A. It might have been a little later, it might have been a little earlier, but I was told that they had refused——

Q. (Interposing): Who told you, Mr. Wood?

A. George Squires, one of the stewards, one of the present stewards in the plant, and who was steward at that time. I was told, as I remember it, that they had refused to stand trial and had been expelled from the union.

Q. Did he tell you as to the charges that had been made against them?

A. I think he did, that they had been derelict in their duty as stewards and hadn't carried out the anti-discrimination, racial discrimination policy, and that they had been involved in a strike during the war. [649]

Q. Yes.

(Testimony of Charles Wood.)

A. Controvening the no-strike pledge of the union.

Q. Did you eventually find out with respect to the status of the people who had been put in bad standing on August 30, 31, September 1?

A. I did.

Q. And on what date did you receive such information?

A. Oh, it was in early January, I would say.

Q. And who gave you that information?

A. George Squires and Ed Bopp told me, not together, but separately.

Q. And what was the nature of that information?

A. Well, that a certain number of them had stood trial and had been—had pleaded guilty and had been—there had been some arrangement made whereby they would be permitted to work out of the union hall.

Q. How about the others?

A. And that the others had refused to stand trial, and I believe that they had been expelled from the union.

Q. And were you advised specifically or generally as to the nature of the charges?

A. Yes, I asked them, and it was the no-strike pledge and also the anti-discrimination policy for some of them.

Q. Have you since that time heard anything else?

A. Well, I believe we got a notice from the

(Testimony of Charles Wood.)

union, too, [650] advising us of the results of the trial.

Q. Are you a subscriber to or do you receive the ILWU Dispatcher? A. I do, sir.

Q. Did you read an account of the so-called trial or hearing?

A. I read the account in that paper.

Q. All right. Have you ever been advised categorically by anyone that these men were placed in bad standing because of their A. F. of L. activities?

A. I was not.

Mr. Hecht: I think that is all.

Mr. Edises: I just have one or two minor things I would like to ask you about.

Q. (By Mr. Edises): You stated that the list that Mr. Gleichman showed you had—I think you mentioned the figure of around 75 or 74? Is it possible that the number on that list was 44?

A. It might be possible. I wouldn't be exact because I didn't have an opportunity to count them. It was just a glance taken trying to visualize the number of lines on the paper that were filled out.

Q. Yes.

A. And then counting them afterwards on one of my own sheets.

Q. O.K. In connection with this complaint made by Mr. [651] Grube, that there was a meeting being held, was that meeting being held in his department, Mr. Grube's department?

A. That is what he said.

Mr. Edises: That is all.

(Testimony of Charles Wood.)

Trial Examiner Ruckel: Questions by the Board?

Cross-Examination

By Mr. Royster:

Q. Has Board's Exhibit 7 ever been posted in your plant, Mr. Wood?

A. (Examining Document): I believe it was a mimeographed copy; mimeographed copies were made and handed to all the members.

Q. Was it ever posted on your bulletin board?

A. My recollection is that it was.

Q. Do you remember about when it was posted?

A. A few days after it was executed.

Q. Yes. That was in 1941? A. Yes.

Q. And do you recall how long it remained posted? A. I wouldn't pretend to say.

Q. Now, Mr. Wood, I am going to read a portion of a paragraph in Board's Exhibit 14 and then ask you a question about it. I am reading from Paragraph 4 of the appropriate unit: "——all production, maintenance, warehouse, mechanical and laboratory employees at the company's Berkeley, California, plant, including non-technical and non-professional [652] laboratory employees, watchmen, assistant foremen, and working foremen, but excluding office and clerical employees, chemists, foremen and all or any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, con-

(Testimony of Charles Wood.)

stitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.”

Now, is that the bargaining unit which is now covered and has been covered by the contract with the ILWU?

Mr. Hecht: Don't answer, Mr. Wood.

A. I——

Mr. Hecht: Don't answer, Mr. Wood.

Trial Examiner Ruckel: There is an objection. The contract is in evidence.

Mr. Hecht: The contract is in evidence. That would be asking for the conclusion of the witness on a matter that the Board has to determine.

Mr. Royster: This witness is the manager and the director of labor relations.

Mr. Hecht: Do you want to qualify him and make him your own witness?

Mr. Royster: You qualified him.

Trial Examiner Ruckel: Let's hear counsel.

Mr. Royster: He is the director, as I say, of labor [653] relations for the company, and I certainly submit that he is competent to tell us what unit was covered by the ILWU contract.

Mr. Edises: We will join in the objection.

Trial Examiner Ruckel: What is the reason for the mental exercise?

Mr. Royster: I want to know whether or not foremen have been excluded from the coverage of that contract.

(Testimony of Charles Wood.)

Mr. Hecht: Well, you excluded them, not the manager of labor relations at this——

Mr. Royster: Well, Mr. Hecht, I know what the Board has done. I am asking this witness what the practice is.

Mr. Hecht: I still object to the question, Mr. Examiner.

Trial Examiner Ruckel: Well, the objection has been sustained to one question, but there is another question now concerning foremen.

Q. (By Mr. Royster): Mr. Wood, have foremen been included in the bargaining unit represented by the ILWU at your plant?

Mr. Edises: Objected to on the ground the contract speaks for itself.

Trial Examiner Ruckel: Objection sustained.

Mr. Royster: Well, let's see if the contract speaks for itself.

The contract says, Section 2, "The union is hereby [654] recognized as the sole collective bargaining representative for all employees covered by this agreement."

Now, does that sort of double talk describe a unit?

Mr. Edises: Well, now, I would like to point out.

Trial Examiner Ruckel: What is the relevance anyway?

Mr. Edises: I would like to point out to the Board's representative that if he is interested in the question of what employees are covered by the agreement there has been from time to time ex-

(Testimony of Charles Wood.)

cut—not executed, but simply a list typed of agreed wage categories which shows the various persons who were covered by the agreement.

Mr. Royster: But, Mr. Edises, I believe that no such wage classifications are to be found in the contract as introduced and admitted in evidence, so, therefore, the contract does not speak for itself.

Trial Examiner Ruckel: Well, let's get down to cases. You are talking with reference to this foreman, whoever he is.

Mr. Hecht: Charles Grube, I imagine is the person, Mr. Examiner.

Trial Examiner Ruckel: Grube. Well, suppose that he is a member of the Union and not in the appropriate unit, what difference does it make?

Mr. Royster: Well, he is excluded from the unit because he is a foreman. [655]

Mr. Edises: I would like to know the significance of that.

Trial Examiner Ruckel: He can still belong to the union.

Mr. Royster: Certainly he can belong to the union, so can Mr. Wood belong to the union.

Trial Examiner Ruckel: Apparently Mr. Grube does belong to the union.

Mr. Royster: Yes. That doesn't make him by that fact alone not a representative of the company, and it doesn't excuse the company for anything that Mr. Grube may have done.

Trial Examiner Ruckel: Are you addressing yourself now to the so-called espionage allegations?

(Testimony of Charles Wood.)

Mr. Royster: Not necessarily. There is testimony in the record of several instances which concern Mr. Grube.

Mr. Edises: I submit that my recollection is that Mr. Grube was mentioned in connection with this incident of sitting outside the union hall.

Mr. Royster: He was.

Mr. Hecht: He also was mentioned by Mr. Hellbaum. Mr. Hellbaum charges Mr. Grube with telling him to get the hell out of his department with that AF of L button, or words to that effect. It is in the record.

Mr. Royster: There was testimony by Mr. Periera too as to——

Mr. Hecht: That was Periera, I think. I was mistaken [656] about Hellbaum.

Trial Examiner Ruckel: I don't quite see the force of it anyway. As far as getting out of the department, that clearly was his prerogative as a foreman, if he was a foreman.

Mr. Royster: Of course.

Trial Examiner: Irrespective of whether he was a member of the union.

Mr. Royster: No, but Mr. Hellbaum testified, if I recall it correctly (and, of course, the record will show whether I am correct or not) that he accused Mr. Grube of telling employees working under Mr. Grube that they must take off their AF of L buttons or go home. The testimony of Mr. Hellbaum was that Mr. Grube admitted that statement. Now, the question becomes pertinent, it seems to me,

(Testimony of Charles Wood.)

and material as to Mr. Grube's authority, and one criterion with respect to his authority, I think, can be found by reference to whether or not he was in the bargaining unit.

Trial Examiner Ruckel: Well, if you argue that way then you would say that he had little or no authority because he was in the bargaining unit.

Mr. Royster: Well, I say that he was not—I am asking this witness.

Mr. Edises: I submit, Mr. Examiner, that——

Trial Examiner Ruckel: Well, let's find out, if it is [657] important, if he is a foreman or if he isn't a foreman, irrespective of whether he is in the unit or not.

Mr. Hecht: It is stipulated he is a foreman.

Mr. Edises: He is a foreman in charge of a small department.

Trial Examiner Ruckel: Is it also stipulated, or is it a fact that he was in the union?

Mr. Edises: He was in the union, and, as the testimony of one of the Board's own witnesses indicated, he was one of the founders of the union at Peet's and very active as an officer and committee-man in the union until he was promoted not so very long ago.

Mr. Royster: That is correct.

Trial Examiner Ruckel: Now, as to whether he was in the unit or not, that doesn't have to be decided now, does it? I mean, is it important whether he was in the unit or not? If he was a supervisor, we have the essential facts to make a determination

(Testimony of Charles Wood.)

whether a statement that he makes amounts to interference, restraint, or coercion or not.

Mr. Royster: I would like to ask another question or two which I think will not be objectionable.

Q. (By Mr. Royster): You do have assistant foremen? A. We do.

Q. And you have a classification known as working foremen?

A. That is the mechanical gang only. [658]

Q. Has Mr. Grube a classification either of assistant foreman or working foreman?

A. Well, that has been a moot question, whether he was a working foreman or not.

Q. Well, how is he classified, or do you know?

Mr. Edises: Well, I suggest that—excuse the interruption, counsel. I should address this to the Examiner.

Mr. Examiner, I suggest that the witness be permitted to continue with his answer explaining what he means by his status as working foremen being a moot question.

Mr. Royster: Well, now, Mr. Examiner, perhaps this will serve to straighten it out—I am not trying to confuse this witness.

Q. (By Mr. Royster): Are foremen at the plant classified definitely as foremen, working foremen or assistant foremen?

A. Well, I wouldn't say absolutely definitely. There is more or less of a loose classification.

Q. Is there a payroll classification of those three?

(Testimony of Charles Wood.)

A. They are on the monthly payroll.

Q. All on the monthly payroll?

A. Yes, the whole group.

Q. Now, Mr. Wood, you testified that when Mr. Gleichman showed you a list, which you first identified you estimated held from 60 to 75 names, that you saw the names of some key men on there, and that disturbed you? [659] A. Yes.

Q. And that you later by counting the number of lines on the sheet of 18 by 13½ paper, I believe you said it was estimated the number of people who came on there. Now, on further direct examination by Mr. Edises that number, you quickly agreed, might have been 44?

A. Now, I told you that I had to look at the thing very quickly. I am refusing to take the sheet, but at the same time I was trying surreptitiously to see how many were on it, and I am not sure. When a paper is turned like that, and turned quickly, if you look at it, maybe those names didn't go down as far as my recollection went.

Q. Well, you got a good enough glance at that paper to pick out the names of some key men, did you not?

A. I think so, yes. There was some of the men I didn't want to have go.

Q. And on the basis of that glance or look, or quick scrutiny, you made a calculation, and your calculation was from 60 to 75 names?

A. Yes.

Q. Mr. Wood, do you consider that the ILWU

(Testimony of Charles Wood.)

broke its no-strike pledge to the Colgate-Palmolive-Peet Company, or to the President, rather?

Mr. Edises: Now, just a moment.

A. That is a question of law, I think. [660]

Mr. Edises: Just a moment. I was napping at the time that was asked. Would you mind reading that back to me?

(The question referred to was read by the reporter.)

Mr. Edises: Now, I will object to that.

Trial Examiner Ruckel: Objection sustained.

Mr. Royster: Well, for the purpose of the record I will state that I think the question is proper for the reason that the ILWU is in here with its head hung low, it has been disgraced by a strike which was held at the Colgate-Palmolive-Peet Plant, and I believe that this witness would, if permitted to answer, testify that it did not consider the strike pledge had been broken because it was not a strike of ILWU.

Trial Examiner Ruckel: Well, the witness might not be the arbiter of whether the situation was sufficient to warrant the CIO's head being held low.

Mr. Edises: I don't feel, Mr. Examiner, that I should let that pass, because although it may seem like a subject for levity to Mr. Royster, I can assure the Examiner that the ILWU is prouder of nothing in the world than the fact that its members had a 100 per cent record of adherence to that no-strike pledge during the war, and that this is the

(Testimony of Charles Wood.)

only black mark on the escutcheon of the ILWU. And I assure you it is a matter of great seriousness to us, and we don't like it being treated with the kind of levity that has been displayed. [661]

Mr. Rowell: What about a man coming around and asking for the discharge of 60 to 70 people in a war plant?

Mr. Edises: I don't care to engage in colloquy with you, Mr. Rowell.

Trial Examiner Ruckel: Are there any further questions?

Mr. Royster: Yes.

Q. (By Mr. Royster): Mr. Wood, you testified that for some considerable period prior to July 30 you had heard that the stewards at the plant had done certain things which had occasioned the displeasure of the ILWU. And you mentioned in that connection (if my memory serves me correctly), violation of the no-strike pledge.

Did you misspeak yourself there, or do you consider, or did you consider that the stewards had violated this no-strike pledge?

Mr. Edises: Now, just a moment. I am going to object to that question again on the ground that it is immaterial whether Mr. Wood considered that the stewards had violated the no-strike pledge, or whether he——

Trial Examiner Ruckel: I don't think it is material whether the company considered that the union had broken the pledge or not. It is a question of what the union considered.

(Testimony of Charles Wood.)

Mr. Edises: It is simply an indirect way of getting an answer to the same question that has just been objected to and [662] objection sustained.

Mr. Royster: No, it isn't, Mr. Edises. Mr. Wood testified, if my memory serves me, that he had heard some talk or rumors about the stewards violating the racial non-discrimination policy of the union, and in that connection that they had in some way violated the no-strike pledge.

Q. (By Mr. Royster): Now, is that correct, Mr. Wood? Was that your understanding?

Trial Examiner Ruckel: I think the witness testified that he read in the paper that these men had been accused of that, that is, by the union. The respondent was not accusing the men of breaking the no-strike pledge.

Mr. Royster: Well, that is not my recollection, Mr. Examiner. Of course, the record will show what was said.

I believe that is all.

Q. (By Mr. Rowell): Before these occurrences that began on July 28 and July 30, in connection with your job as labor relations supervisor, did you have occasion to learn among the employees any information as to either the union's charges against the employees or employees' charges against the union?

Mr. Edises: Objected to as too general and vague and speculative, impossible to determine what he is asking for from the question.

Trial Examiner Ruckel: Objection sustained.

(Testimony of Charles Wood.)

Q. (By Mr. Rowell): Well, now, your job, as you testify, was in connection with labor relations at the plant? A. Yes, sir.

Q. Did you have any occasion in connection with that job to find out how the labor relations were going?

Mr. Edises: Same objection.

A. I don't get that at all.

Trial Examiner Ruckel: Just a moment. Objection sustained.

Q. (By Mr. Rowell): Had there been an attempt during 1945, earlier in the year, to obtain a wage increase?

A. Well, I would have to ask you to qualify that more definitely. You mean a general increase or——

Q. (Interposing): I mean any increase?

A. There had been a request early in the year for an increase in wages for women and for second and third shift workers, and negotiations for that went over quite an extended period.

Q. Who made the request? A. The union.

Q. Was the wage increase granted?

A. Yes.

Q. In connection with those negotiations at that time did you have occasion to learn anything of the employees' attitude toward desiring wage increases?

Trial Examiner Ruckel: What is the purpose?

Mr. Rowell: I beg your pardon?

Trial Examiner Ruckel: I asked as to the materiality of the question.

Mr. Rowell: The materiality is just this: It

(Testimony of Charles Wood.)

seems to me that the evidence is clear in the case so far that the employees were dissatisfied with the union, as well as the union having been dissatisfied with the action of some of the employees.

Mr. Edises: Mr. Examiner, I will stipulate for counsel that the employees wanted wage increases, and that they wanted a number of other things, and that in all probability they wanted a number of things, including wage increases. I think that is a safe stipulation in almost any case involving labor relations.

Mr. Rowell: Well, I will accept the stipulation, but I would like to fill it out a little bit now by asking the witness some more questions.

Mr. Hecht: I think it is too remote, incompetent, irrelevant, and immaterial.

Trial Examiner Ruckel: What are you getting at? We are not going to try the merits——

Mr. Rowell: By no means. The crux of the case is that these employees became dissatisfied with the union and withdrew from it and joined another one.

Trial Examiner Ruckel: Well, apparently some of them did.

Mr. Rowell: That is quite true.

Trial Examiner Ruckel: I mean that is not in dispute, is it?

Mr. Rowell: By no means. I am going to find out what Mr. Wood knows about it.

Trial Examiner Ruckel: Well, ask him, I mean as to whether or not they were content with their

(Testimony of Charles Wood.)

wage status or something else now. If you want to explore his knowledge of this——

Mr. Rowell: Mr. Examiner, if you are going to restrict cross-examination so I have to just be satisfied with the answers that Mr. Wood gives his own counsel, I will just have to cease and desist.

Trial Examiner Ruckel: I am not going to restrict you, but go ahead, but don't ask him the merits of these wage controversies.

Mr. Rowell: Then I will stipulate that the purpose of the question is not on the basis of the merits of the wage controversy at all.

Trial Examiner Ruckel: If you ask the question, I will make the rulings. There is no question pending now.

Q. (By Mr. Rowell): Did you have an occasion to learn earlier in 1945, Mr. Wood, that the employees were making certain [666] demands that the union was not satisfying, in other words, demands of the company for wage increases, or on any other matter?

Mr. Edises: I will object to that on the ground that it would be comprehensible on its face. The union is not the one who is responsible for the wage increases, the company is the one who is responsible there, and during the war the government.

Trial Examiner Ruckel: Objection sustained.

Q. (By Mr. Rowell): Is it your practice to walk around through the plant?

A. Generally once a day I try to make the rounds.

(Testimony of Charles Wood.)

Q. In the course of that do you talk with employees in the plant? A. Occasionally.

Q. Do you talk with them about labor relations matters? A. Sometimes with the stewards.

Q. Did you talk with any of these five stewards in the early part of 1945 concerning labor relations matters?

A. Indeed I did. There was something going on all the time.

Q. Can you tell me what you mean by "something going on all the time?"

A. Well, they were always making requests for something, to have a girl transferred here, or a girl transferred there, [667] or this one was doing too much work, or——

Q. (Interposing): These five stewards were actively pursuing their jobs as stewards, so far as you know? A. I wouldn't put it that way.

Q. Well, what way would you put it?

A. Well, I thought they were trying to harass the company.

Q. Did they at any time during those discussions with you indicate dissatisfaction with the ILWU union? Was there any discussion of that kind?

A. Well, I won't say that they manifested dissatisfaction with the union, but they did make criticisms of the union officers.

Q. On how many occasions can you remember criticisms having been made of union officers?

A. That would be pretty hard to say; on numer-

(Testimony of Charles Wood.)

ous occasions, and several times in connection with certain matters.

Q. Yes. This was during the first half of 1945, I mean it was before these——

A. Well, I wouldn't say definitely whether it was just confined to the first half; for quite a number of months. I would say.

Q. Before July 30, let us say? A. Yes.

Q. Were such criticisms made during 1944?

A. To the best of my recollection I would say "Yes." [668]

Q. Did you have occasion to talk with employees other than the five shop stewards with regard to that matter?

A. About union matters, you mean?

Q. Yes.

A. You mean about union matters?

Q. Yes. A. No.

Q. Was it and is it your practice to observe the bulletin boards in the plant?

A. More or less, yes, incidentally, walking through.

Q. Did you also observe whatever union literature might have been being distributed about the plant? A. I was handed some.

Q. Were you handed any AF of L literature?

A. Yes.

Mr. Edises: Well, I submit that we ought to have the time fixed for a question of that sort.

Mr. Hecht: I assume he means the time of the campaign.

(Testimony of Charles Wood.)

Mr. Edises: I, frankly, can't see the relevance of all this line of testimony, but I have not objected heretofore because I was trusting that Mr. Rowell would not prolong it.

Mr. Rowell: It won't be long prolonged.

Q. (By Mr. Rowell): Can you fix the approximate time when you received any AF of L literature?

Trial Examiner Ruckel: The period? [669]

A. Well, it was during the time that these various bulletins were being distributed.

Trial Examiner Ruckel: That doesn't very accurately answer the question, does it? During what period?

Mr. Rowell: Suppose we place the time by reference to respondent's Exhibits 1 through 14?

Mr. Hecht: It is August 7 to October 15, Mr. Rowell.

Mr. Rowell: August 7 to October 15. That is the date of these various——

The Witness: What dates?

Mr. Hecht: August 17 to October 15.

The Witness: Yes, I would say that I undoubtedly was handed them at that time.

Q. (By Mr. Rowell): Do you know whether or not any of the persons that you have seen passing the AF of L buttons around in the plant——

Mr. Hecht: Now, just a moment. Mr. Wood did not say he saw anyone passing AF of L buttons around the plant.

Mr. Rowell: Well, I think he did.

(Testimony of Charles Wood.)

The Witness: I did not. I never said anything of the kind.

Mr. Rowell: Or wearing AF of L buttons.

Mr. Hecht: You saw them wearing AF of L buttons?

The Witness: I saw them wearing them.

Mr. Rowell: Well, that surprises me. [670]

Q. (By Mr. Rowell): I will ask you: You testified that there were some people in the plant still working there that you saw wearing AF of L buttons? A. Yes, sir.

Q. Do you know whether or not their names were on Mr. Gleichman's list before you had it cut down?

A. No, I do not.

Mr. Edises: Just a moment. I object to that. There is no testimony in the record that this witness had that list cut down.

Trial Examiner Ruckel: Objection sustained. The answer may be stricken.

Q. (By Mr. Rowell): By the way, when you were talking to Mr. Gleichman about the extensiveness of that first list that he was attempting to give you, you protested about the effect it would have on the company if you granted his request, did you?

A. I told him it was going too far, yes.

Q. That it would have an effect on the production?

A. I don't think I went that far. I didn't spend any more time with him than I could help. I wanted to get rid of it, and get at some of the officers of the union.

(Testimony of Charles Wood.)

Q. Did you tell him the company was engaged in war business and discharging so many people would hurt it? A. To whom? [671]

Q. Mr. Gleichman? A. No.

Q. To anyone else in the ILWU?

A. Yes.

Q. Who? A. Mr. Heide.

Q. What was his answer to that?

A. Well, I don't recall.

Mr. Rowell: I have nothing further.

Redirect Examination

By Mr. Edises:

Q. Mr. Wood, your company has received copies of these decisions of the trial committee testimony?

A. Yes, sir.

Q. I think you testified approximately the first part of November and the first part of January?

A. That is my best recollection.

Q. Is that right? A. Yes.

Q. This is the copy the company received, is it?

A. (Examining document.)

Q. And this is the other?

A. Well, it was those, or some like that.

Mr. Edises: All right. May I have these marked for identification, please?

The decision of Trial Committee dated October 10, 1945, [672] will you please mark that as Intervener's No. 6, and the decision of the Trial Com-

(Testimony of Charles Wood.)

mittee dated December 24, 1945, will you please mark that as Intervener's No. 7.

(Thereupon the documents above referred to were marked Intervener's Exhibits Nos. 6 and 7 for identification.)

Q. (By Mr. Edises): Now, the decision of October 10 refers to, among other things, to testimony showing that Haynes, Luchsinger, Marshall, Moreau and Smith had "been working against the established policies of the union for a long time. For example, the union's policies against discrimination on account of race or color."

Did you testify that you had some knowledge of such a beef? A. Yes.

Q. Prior to the time that you received this?

A. Yes, I did.

Q. This exhibit?

A. Yes, I have heard it.

Q. It further states: "Back in the early part of 1944 Marshall refused to take up the beef of a Negro member at Peet's named Harrison because he 'didn't like him,' the other stewards backed him up on this and all of them were taken before the grievance committee and found guilty of conduct unbecoming stewards and given a reprimand for their [673] treatment of this Negro brother."

Mr. Rowell: That is objected to, Mr. Examiner.

Trial Examiner Ruckel: Let counsel finish his question.

Q. (By Mr. Edises): My question is whether

(Testimony of Charles Wood.)

he had heard of that incident prior to the time when he saw this document?

Mr. Rowell: Don't answer, Mr. Wood. I want to make an objection, that the questions that I put were for the purpose of finding out whether there was any dissatisfaction of the stewards with the union, and the union with the stewards, and had nothing to do with——

Trial Examiner Ruckel: You put the question and he answered it.

Mr. Rowell: ——had nothing to do with this attempt to discipline stewards.

Trial Examiner Ruckel: No, this is something quite different. Are you objecting to it on the grounds of materiality?

Mr. Rowell: I object to it as immaterial, yes.

Trial Examiner Ruckel: Objection overruled.

Mr. Edises: All right.

Q. (By Mr. Edises): The question is: Did you have any knowledge of this incident before you saw this document? A. Oh, indeed, I did.

Q. The document goes on: "Then there was the Ulysses Norman case, where a union member at Peet's said out loud in [674] the dressing room that there are too many Negroes in the union, the quicker we get them out the better (only he didn't say 'Negro.')

Brother Norman, who is a Negro, filed charges against the brother who made this statement. Defendants Marshall and Sherman publicly defended the right of this member to make such attacks on Negro fellow members."

(Testimony of Charles Wood.)

Did you hear anything about that beef?

A. I heard about it.

Q. Prior to the time that you received this document?

A. Oh, way back sometime ago.

Q. At about the time it occurred, is that right?

A. Well, I wouldn't say that. I don't know when it occurred, but it was several months ago that I first heard it.

Q. Several months ago? A. Yes.

Q. Prior to your receiving this? A. Yes.

Mr. Rowell: Then I move to strike. The only materiality would be whether he heard of it before when the occurrence was allegedly occurring, before the action of the company.

Q. (By Mr. Edises): You knew about this before the stewards were dismissed, isn't that correct?

A. Yes.

Q. It further goes on to state: "There was a lot of evidence showing that all of the stewards fell way down on [675] the job when it came to carrying out the duties of their office. For instance, they refused to put Section 10 of the Peet's contract into effect, which called for setting up stewards for each department. They refused to select a chief steward as required by the contract."

Did you know anything about such a beef?

A. I knew that they refused to appoint a chief steward.

Q. Did you know that this was a subject of controversy within the union? A. Yes, I did.

(Testimony of Charles Wood.)

Q. It further states "They showed poor judgment in regard to what grievances to present to the management. They pushed many phony grievances."

Do you know that they had been charged with that by the union?

A. I did not know they had been charged with it, no.

Q. It states also: "They failed to attend meetings of the executive council, which was their duty as stewards, and also membership meetings."

Did you have any knowledge of that?

A. I had heard of that one.

Q. You had heard that had been the subject of controversy within the organization?

A. Well, I had heard they had been charged with it. I wouldn't say about "controversy." [676]

Q. This was prior to the time they were dismissed?

A. Yes.

Q. Then it states further: "The union's political action program took a bad beating from the stewards. For instance, they refused to carry out the mandate of the union membership in regard to financial support for the National Citizens Political Action Committee. They sabotaged collection of funds for the defense of Harry Bridges of the ILWU. They opposed the program for wiping out the Little Steel formula. They bucked the union's program in regard to enforcing OPA regulations."

Now, had you heard of any such matters?

A. I had heard of some of them; some of them I hadn't.

(Testimony of Charles Wood.)

Q. You had heard that was a subject of controversy?

A. Some of them; not all of it I hadn't heard.

Trial Examiner Ruckel: Some of it?

The Witness: Yes.

Q. (By Mr. Edises): And it further states: "Toward the end of May, 1945, they even refused to call a meeting of the employees at Peet's to discuss current contract negotiations, air the grievances of the rank and file and elect stewards for the coming year. Brother Lou Gonick, business agent, demanded three separate times that they arrange to call such a meeting, but the stewards kept putting him off with phony excuses, and after they finally agreed to call a meeting they broke their promise, claimed they forgot all about calling the meeting."

Did you hear anything about that?

A. Give me that date again.

Mr. Royster: I will object now. I guess I must have been asleep for 30 minutes. This is direct examination, and if ever a witness was being led by the nose, why, this one is.

Mr. Edises: Mr. Examiner, I am simply asking him whether he had heard of these incidents referred to in the union's decision prior to the time that these persons were discharged. Now, I submit that it is not only relevant to the issues of this case——

Trial Examiner Ruckel: I don't see that it is leading. You may answer.

(Testimony of Charles Wood.)

Mr. Edises: How else can I ask if he knew about it.

Q. (By Mr. Edises): Now, that was, according to this, toward the end of May, 1945?

A. Would it be allowable for me to look at that? You have asked so many things there that I can't carry them all in my mind.

Q. Yes. This part here (indicating).

A. (Examining document) Yes.

Q. Now, the question is: Had you heard about the grievance, about the refusal of the stewards to call a meeting toward [678] the end of May, 1945?

A. I wouldn't place the date, but I had heard that there had been quite a little controversy about having a meeting.

Q. Well, it was your knowledge about the time that this event happened, whatever date it may have been?

A. Yes, I would say so.

Q. And this decision further states: "In regard to the second set of charges, against Lonnberg, Olsen, Thompson and Sherman, the evidence showed that these four men were responsible for pulling the only wartime strike that members of this local ever were guilty of."

Had you heard that these men had been charged with responsibility for pulling that strike?

A. Yes, yes.

Q. It further states: "On top of this, the evidence shows that three of these men, Sherman, Thompson and Lonnberg, made libelous and defamatory charges against Paul Heide and other

(Testimony of Charles Wood.)

officials of the union, such as being racketeers, looting the union's treasury, and so forth.'

Had you heard that such charges had been made against officers of the union?

A. Will you mention the names again that those charges specify?

Q. Against Paul Heide.

A. No. The men that the charges were made against. [679]

Q. "On top of this, the evidence shows that three of these men, Sherman, Thompson and Lonnerberg, made libelous and defamatory charges against Paul Heide and other officials of the union, such as being racketeers, looting the union's treasury, and so forth?"

A. Not about those three, I had not heard it.

Q. You had not heard that about these three men? A. No, I did not, no.

Q. Had you heard that others of the persons involved in this case were accused of making such charges? A. Yes, I had heard that.

Mr. Edises: I think that is all. I think he testified that he knew about the charges in regard to the wartime strike, which was the charge—

Trial Examiner Ruckel: (Interposing) Are we on the record now, or off?

Mr. Edises: I really shouldn't be.

Trial Examiner Ruckel: Off the record.

(Remarks outside the record.)

Trial Examiner Ruckel: On the record.

Mr. Edises: Mr. Examiner, I will offer in evi-

(Testimony of Charles Wood.)

dence as Intervener's 6 the decision of trial committee of the union, and as Intervener's No. 7—No. 6 is the decision dated October 10, 1945, and No. 7 the decision of the trial committee dated December 24, 1945. [680]

I will stipulate that I do not make the offers for the purpose of establishing thereby the truth of the matters contained in the decisions, but simply as the decisions rendered by the trial committee of the union in the cases involving the individuals named therein.

Mr. Royster: I would like to take a look at those.

(Examining documents) On No. 7, is it true, Mr. Edises, that all of these individuals were found—all but two were found guilty of violating the no-strike pledge, and that two were found guilty of permitting and encouraging an unauthorized strike in wartime?

Mr. Edises: That is my recollection, but the decision, of course, would show that itself.

Mr. Royster: Yes. And this exhibit is offered, if I understand it correctly, solely for the purpose of showing that such a finding was made?

Mr. Edises: Yes, a finding was made.

Mr. Royster: I have no objection to 7.

Trial Examiner Ruckel: Does anybody else have an objection to 7?

Trial Examiner Ruckel: Does anybody else have an objection to Intervener's 7?

(Testimony of Charles Wood.)

Mr. Hecht: I have no objection.

Trial Examiner Ruckel: It will be received.

(The document heretofore marked [681] as Intervener's Exhibit No. 7 for identification was received in evidence.)

Mr. Edises: I am sorry. Have both the exhibits been received?

Trial Examiner Ruckel: 7 has.

Mr. Royster: I have no objection to Intervener's 6 either. I assume that it is also offered only for the purpose of showing that the individuals named here were found guilty of certain charges?

Mr. Edises: That is right.

Trial Examiner Ruckel: Any other objection?

Mr. Hecht: I have none.

Mr. Rowell: No objection.

Trial Examiner Ruckel: It will be received.

(The document heretofore marked Intervener's Exhibit No. 6 for identification was received in evidence.)

Trial Examiner Ruckel: Any further questions of this witness?

Mr. Edises: No further questions.

Recross Examination

By Mr. Royster:

Q. When was it, Mr. Wood, that you learned that the four committeemen, as we have referred to

(Testimony of Charles Wood.)

them here, were charged with fomenting and encouraging a wartime strike?

A. Well, I never had, if I recall, precise—I don't have [682] precise knowledge of the time I heard it. Lots of this stuff came to me as the thing progressed, after the 1st of August.

Q. Well, it would be true, would it not, to say that you heard of no charges until after these men had been discharged? A. Now, let me think.

Mr. Edises: I would like to here, for a moment,—

Mr. Royster: I would like to have the witness answer it.

Mr. Edises: Well, I would like to object then on the ground that the question is not made clear, whether he is referring to the filing of a formal charge under the union's trial machinery, or whether he is simply referring to a general accusation that these guys were responsible for pulling that phony strike.

Mr. Royster: Well, I am talking to the witness in the same terms that you talked to him. You read certain allegations that had been made concerning these committeemen to the witness, and you asked him if he had ever had knowledge that such charges were a matter of controversy within the union, and he answered "Yes". Now, I am trying to show, or trying to discover when he learned of this controversy or discussion.

Trial Examiner Ruckel: Well, it is very appar-

(Testimony of Charles Wood.)

ent that this trial did not take place until long after they were suspended. [683]

Mr. Royster: Yes, Mr. Examiner, but the trial relates matters which happened long before the strike took place, and the witness said "Yes", he knew that these matters were a subject of controversy.

The Witness: I said I heard it.

Q. (By Mr. Royster): Yes, you heard it.

A. I didn't say I knew it.

Q. But you heard there was certain controversy within the union? A. Yes.

Q. And that it concerned the matters about which Mr. Edises read to you?

A. Yes, but I was not a member of the union. I didn't know——

Mr. Hecht: Mr. Wood, I think that Mr. Royster has in mind whether you heard that these men were accused of pulling the strike after it occurred, or after the strike occurred.

Mr. Rowell: When?

Mr. Edises: No, I don't think——

Mr. Rowell: That doesn't make sense.

Trial Examiner Ruckel: I don't think that is the question.

Mr. Royster: Well, I will ask this question:

Q. (By Mr. Royster): Did the fact that you at some time heard that these four committeemen had been charged with [684] responsibility for fomenting or leading a wartime strike have any-

(Testimony of Charles Wood.)

thing to do with your accession to the union's demand that they be suspended?

Mr. Hecht: I object.

A. Name the four men.

Mr. Edises: Just a minute. I object.

Mr. Hecht: I object to tse question. It has nothing to do with this case, and whether he acceded to it because they had been charged with a strike, or whether he acceded to it because a letter was presented to him, there is no point in asking him that question.

Mr. Edises: I would like to add on the ground of complicity with what counsel says the evidence shows very clearly and it has not been contradicted, that the basis for the company's acquiescence in the union's demand was their belief, good faith belief, that the contract required them to do so and, that, as a matter of fact, they acted contrary to their own desires in doing so.

Mr. Rowell: Well, now, counsel has so well educated the witness I suggest you withdraw the question, Mr. Royster.

Mr. Royster: Well, of course, the record and the evidence is not as clear as Mr. Edises would have us believe, and the fact is that there has been some effort here by way of testimony to establish that the witness and other responsible officers of the company could well believe that the ILWU's request that these men be suspended was based upon certain [685] actions that the individuals had taken, which was distasteful to the ILWU, and had no

(Testimony of Charles Wood.)

bearing upon this A F of L controversy in the plant.

Mr. Hecht: May I make a statement at this point, Mr. Royster? I believe the question of law involved here is the knowledge of the company with reference to the reasons why these men were put in bad standing. Your question was the reason why the company acceded, and I think the record is clear as to why the company acceded, because it was told that the men were not in good standing. So, perhaps if you would reframe your question I would have no objection.

Mr. Royster: Well, of course, that is your conclusion, Mr. Hecht.

Mr. Hecht: Well, that is the basis of my objection.

Mr. Royster: I will withdraw the question and I have no further questions of this witness.

Q. (By Mr. Rowell): Could I ask who you heard these various matters from, Mr. Wood?

A. Well, I would have to ask you to be more specific? What various matters?

Q. For example, from whom did you hear that these stewards had been spreading false and misleading information among the membership concerning the policy and program of the union, the activities and position of union officers, the status of the union treasury, and the status [686] of the contract between the union and Colgate-Palmolive-Peet Company?

Mr. Edises: Objected to on the ground that he

(Testimony of Charles Wood.)

did not testify having such knowledge. That question was not asked of him.

Q. (By Mr. Rowell): From whom did you hear that Sherman—I withdraw that.

From whom did you hear that two of the shop stewards had been charged with making statements against Paul Heide and other officials of the union, such as that they were looting the union's treasury and so forth?

A. Can you name the stewards?

Q. Well, it says here, "Sherman, Thompson and Lonnberg," but I think you testified it was Marshall and——

Mr. Hecht: No. He didn't testify it was Marshall.

A. I didn't testify.

Q. (By Mr. Rowell): Did you testify you had heard some charges made against stewards of that kind?

Trial Examiner Ruckel: He particularly specified he didn't hear it as to these.

Q. (By Mr. Rowell): Did you testify that you had heard these shop stewards had been charged with refusing to call a meeting of the employees?

A. Yes, I had heard they refused to call a meeting.

Q. Who did you hear that from? [687]

A. I can't recall. It was common talk around the plant, there was quite a bit of talk about it, that they hadn't had a house meeting for a long time.

Q. Was there talk pro and con about that?

(Testimony of Charles Wood.)

Mr. Edises: Well, now, I will object to that. It is going outside the scope of proper cross examination. What possible difference could it make?

Trial Examiner Ruckel: Objection sustained.

Mr. Rowell: Well, now, Mr. Examiner, if evidence is brought in here that there was dissatisfaction on the part of the union with the conduct of these employees I am certainly entitled to bring out that the company had knowledge that the employees were dissatisfied with the union.

Trial Examiner Ruckel: Yes, but the employees are not charged with discharging the union. The union is, or the respondent is accused of discharging the employees at the invitation of the union.

Mr. Rowell: Certainly.

Trial Examiner Ruckel: So the question is, what did the respondent hear that might be the union's reasons for asking the discharge of these men. It is not relevant to what might have been on the other side.

Mr. Rowell: It certainly is. If the Respondent knew that the employees were dissatisfied with this union and were trying to get out of it, then they are certainly put on [688] notice as to—at least, it certainly is evidence that they knew why the union was taking that action.

Trial Examiner Ruckel: Well, Respondent has already testified that it is perfectly clear that their employees were trying to get out of the union. That is not controverted.

(Testimony of Charles Wood.)

Mr. Rowell: And that the company knew about it. All right, I withdraw it.

Mr. Edises: Those were your words, Mr. Rowell.

Mr. Rowell: The Examiner wouldn't let me add to the proof on the score.

Trial Examiner Ruckel: Any further questions of this witness?

Mr. Royster: Nothing further from the Board.

Mr. Hecht: Nothing further.

Mr. Edises: No further questions.

Mr. Hecht: And the respondent rests, Mr. Examiner.

Trial Examiner Ruckel: That is all.

(Witness excused.)

Does the Board or the intervening union have any witnesses?

Mr. Edises: Could we go off the record for a minute?

Trial Examiner Ruckel: Off the record.

(Remarks outside the record.)

Trial Examiner Ruckel: On the record. [689]

Mr. Edises: Will you please mark this as Intervener's Exhibit 8 and Intervener's 9?

(Thereupon the documents above referred to were marked Intervener's Exhibits 8 and 9 for identification.)

Mr. Edises: Will it be stipulated that the two transcripts of testimony which I hold in my hand, and which are marked for identification as Inter-

vener's Exhibit 8 and Intervener's Exhibit 9, being the transcripts of the testimony taken at the trials of various of the complainants on which the decisions heretofore introduced in evidence as Intervener's 6 and 7 were based, may be received in evidence for the sole purpose of indicating the proceedings on which those decisions were based and not as evidence of the truth of any of the matters contained in those transcripts?

Mr. Royster: So stipulated.

Mr. Rowell: So stipulated.

Mr. Hecht: No objection.

Trial Examiner Ruckel: They may be received.

(The documents heretofore marked Intervener's Exhibits Nos. 8 and 9 for identification were received in evidence.)

Mr. Edises: Mr. Examiner, could I ask that we have a few minutes' recess for the purpose of checking my notes to determine whether I have anything further?

Trial Examiner Ruckel: We will recess for five minutes. [690]

(A short recess was taken.)

Trial Examiner Ruckel: On the record.

Has the Intervener finished?

Mr. Edises: Yes, the Intervener will not produce any further evidence.

I would like to ask the Examiner whether, in his opinion, the filing of a written motion to intervene is required, because on account of the pressure of

other business I was unable today to go down to my office and pick up the written motion which I had dictated over the telephone. If, in the opinion of the Trial Examiner, it is not mandatory, I would prefer to rest on our oral intervention.

Trial Examiner Ruckel: It is not mandatory. I will waive the requirement of a written petition and grant your oral petition as of yesterday, or as of the first day of the hearing, to intervene.

Mr. Edises: Thank you.

Trial Examiner Ruckel: Are there any motions by any of the parties?

Mr. Royster: I move, Mr. Examiner, to conform the pleadings to the proof in matters such as the dates, spelling of names, and other matters not of substance.

Trial Examiner Ruckel: If there is no objection, the motion will be allowed.

Mr. Hecht: No objection whatsoever, Mr. Examiner. [691]

Mr. Royster: I have no further motions.

Mr. Hecht: At this time, Mr. Examiner, I would like to move to dismiss the charge contained in Paragraph V of the complaint, Subdivision 3, to-wit: "Refusing union representatives access to its Berkeley plant, while permitting ILWU representatives freely to enter the plant——."

Trial Examiner Ruckel: I don't think the reporter can hear you.

Could it be comprised by saying that you renew all the motions made this morning which were not granted by the Trial Examiner?

Mr. Hecht: Yes, Mr. Examiner.

Trial Examiner Ruckel: Ruling on those motions is reserved.

Mr. Edises: For the ILWU I would likewise renew the motion to dismiss on the ground that the actions taken in regard to the complainants was pursuant to a valid closed shop agreement, and, further, that in any event the complainants should be denied any relief under the Act because of their participation in an illegal wartime strike.

Trial Examiner Ruckel: Ruling is also reserved on that motion.

Mr. Hecht: Mr. Examiner, at this time on behalf of the respondent I would like to have all charges brought on behalf [692] of Edward Navarro dismissed.

The Examiner will recall that Mr. Navarro was a member of the CIO No. 1304, Machinists, and actually never maintained, or never had an ILWU status at the plant.

Trial Examiner Ruckel: Wasn't there some further—what do you claim for Navarro?

Mr. Royster. Well, Mr. Examiner, I claim that it was not the practice at the Colgate-Palmolive-Peet Plant to enforce the closed shop contract as far as members of the Eastbay Union of Machinists, Local 1304, is concerned, that others at the plant had membership only in the Machinists Union and were not disturbed in their employment, and it was not until Mr. Navarro wore an A F of L button and otherwise indicated his friendliness toward the A F of L, that he was discharged.

Mr. Edises: Mr. Examiner, may I be heard a moment on that? I have no recollection that the testimony shows any of the matters referred to by Mr. Royster. I am quite certain that those matters were not gone into at all in the record. The fact is I am informed by Mr. Gleichman that the only exceptions made in the case of 1304 people were those who worked as machinists. And I will further remind the Examiner of the testimony that Mr. Luchsinger, one of the complainants here, asked this man to join the ILWU.

Trial Examiner Ruckel: That is my recollection, but I [693] am not going to grant the motion now. The record will bear reading. Ruling is reserved.

Mr. Hecht: Mr. Examiner, at this point I also would like to move to dismiss all charges brought on behalf of the following named complainants: Calixto Rigo, Robert Ashworth, Thomas Azevedo, Manuel Munoz, Nick Tate, Glenn Hixson, Vincent Barboni, Martin Heppler, Alden Lee, Felix Denkowski, Manuel Souza, Albert Zulaica, Ann Cerrato, Ina Mae Paige, Catano Periera, Rose Ros and John Puruca.

The basis of the motion, Mr. Examiner, is the basis of my motion directed to Albert Zulaica, for the reason that these persons who are now complainants here pleaded guilty to charges brought against them by the ILWU, and it is hardly fitting that persons who have admitted that they were put in bad standing for reasons other than membership of the A F of L should be in this Board, before this

Board claiming relief on the basis that they were discharged for A F of L activity.

Trial Examiner Ruckel: Ruling on the motion is reserved.

Mr. Royster: I would just like to remark that, of course, the individuals named did not in any way admit that the reason for their suspension from membership was their participation in this strike.

Mr. Hecht: I think that the record and the findings would bear the contrary out, Mr. Royster, and I am not saying [694] they were guilty of the charge, but I am saying that they did admit the charge.

Trial Examiner Ruckel: Any further motions?

Mr. Hecht: I will move, without stating the grounds (I think I have already expressed them to the Examiner) to dismiss the whole proceeding on the basis that this is an attack on the validity of a contract that has not otherwise been in any way impeached as fraudulent, invalid, or an imposition on the desires of the complainants before this Examiner.

Trial Examiner Ruckel: Ruling is reserved.

Mr. Hecht: No further motions.

BOARD'S EXHIBIT N. 3

[Warehouse Union Local 6 Letterhead]

July 30, 1945.

Colgate, Palmolive, Peet Company,
6th & Carlton Streets,
Berkeley, California.

Att: Mr. C. A. Altman

Dear Mr. Altman:—

This is to notify you that charges have been preferred by this Union against the following employees of your Company, and that they have been suspended from membership of this organization pending a trial as provided for in the Constitution of our local Union:

Clyde W. Haynes, R.F.D. #2, Box 884, Walnut Creek, Calif.

Dave Luchsinger, 434 - 65th Street, Oakland.

Frank Marshall, Rt. 1, Box 241, Walnut Creek, Calif.

Sanford Moreau, 1004 Jones Street, Berkeley, Calif.

Harry A. Smith, Box 243, Rt. 6, Walnut Creek, Calif.

We therefore, respectfully request that the above-named employees of your Company be immediately removed from the job until such time as the charges against them have been determined by this organization.

Trusting that we may have your cooperation in this matter, we remain

Very truly yours,

/s/ PAUL HEIDE,

PH:ES

Vice-President

owu-cio

BOARD'S EXHIBIT No. 4

This phamphlet was distributed on Co. property before discharge of first 5 employees (Steward) distributed July 30, 1945.

Attention!

All Warehouse Union Members:

An illegal meeting has been called by certain employees of Peet's, now under suspension as members of this union for violation of the membership oath, and other illegal acts.

Warning!

Any member of Local 6 who attends such illegal meeting or participates in violations of our constitution, does so at the risk of losing membership and employment.

GENERAL EXECUTIVE BOARD

Warehouse Union Local #6, ILWU

owu/cio

BOARD'S EXHIBIT No. 5

[Standard Form No. 14 Telegram]

July 30, 1945.

Int. Warehouse Union 6

You are hereby notified that more than 200 employees of the Colgate-Palmolive-Peet Co., all being former members of your union and being more than 50% of such employees by action taken for such purpose have and do hereby withdraw from your union, sever connections and refuse to be further bound by any of the laws rules or regulations of the constitution of I.L.W.U.

EMPLOYEES WELFARE ASSOCIATION

By Negotiating Committee

E. H. Thompson

W. Sherman

BOARD'S EXHIBIT No. 6

[Western Union Telegraph Form)

WUAH 17 61 Berkeley Calif July 30 1048A

Bert Railey, Mgr

Colgate Palmolive Peet Co.

800 Carleton St WUX Berkeley Calif.

You are hereby notified of action taken by more than 200 employees of Colgate Palmolive Peet Co all being former members of RLWU 1-6 and being more than 50 percent of total employees have with-

drawn and severed relations with ILWT-6 as collective bargaining agent.

EMPLOYEES WELFARE ASSOCIATION

By Negotiating Committee 921A

E H Thompson William Sherman

H Lunnberg L Olson

BOARD'S EXHIBIT No. 7

Colgate-Palmolive-Peet Co.

Agreement

This Agreement, made and entered into this 9th day of July 1941, by and between Colgate-Palmolive-Peet Company, Berkeley, Plant hereinafter referred to as the Employer, and Warehouse Union Local 1-6, I.L.W.U., hereinafter referred to as the Union.

Witnesseth

* * * * * *

Section 2. Recognition. The Union is hereby recognized as the sole collective bargaining representative for all employees covered by this agreement.

Section 3. The Employer agrees that when new employees are to be hired to do any work covered by Section One (1), they shall be hired thru the offices of the Union, provided that the Union shall be able to furnish competent workers for work required. In the event the union is unable to furnish competent workers, the Employer may hire from

outside sources, provided that employees so hired shall make application for membership in the Union within fifteen (15) days of their employment. The employees covered by this agreement shall be members in good standing of the Union and the Employer shall employ no workers other than members of the Union subject to conditions herein above prescribed. In the hiring of new help (for the warehouses), they shall be hired through the offices of the Warehouse Union, Local 1-6, I.L.W.U.

* * * * *

Section 18. Future Changes. The above constitutes an agreement between the Company and its employees, represented by the International Longshoremen's and Warehousemen's Union, Local 1-6, and shall remain in effect unless and until changes become necessary because of conditions beyond the control of the Company or are requested by the employees through their representatives.

Thirty (30) days notice will be required before the adoption of any change suggested by either the employees or the Company and no change of any sort will be made without collective agreement to it having been arrived at between the Company and the representatives of the employees. If and when such changes are found necessary they will be made with due regard for the mutual rights, privileges and well being of the employees and the Company.

Memorandum of Agreement

It is hereby agreed that certain contract dated July 9, 1941, by and between Warehouse Union,

Local 6, I.L.W.U., and Colgate, Palmolive Peet Company, shall remain in full force and effect, pending the disposition of those provisions which apply to the following:

Shift differentials

Wage rates for women workers

Sick leave

and upon which agreement has been reached by the parties hereto, subject to approval of the Tenth Regional War Labor Board.

BOARD'S EXHIBIT No. 8

Attention All Members I.L.W.U. #6 Employed at
Colgate, Palmolive, Peet Company!
Look Before You Leap!

Because of a constant campaign of misinformation and falsehoods carried on by Sherman-Marshall-Lundeburg & Co., many otherwise reliable members of our union are being misled down a blind alley, and into action that can only result in losses and hardship for the membership involved. The unscrupulous people who are attempting to promote strike action at this plant are traitors to our union membership, our flag and our country! All members who join with them are jeopardizing their own reputation, their union standing, their seniority and their jobs! Any strike at this plant will bring an immediate directive from the Regional War Labor

Board to return to work—and will resolve no issues—fancied or otherwise!

So that all members may understand the true situation, the following is a copy of agreement extending the provisions of the union contract, including the requirement that only members of Warehouse Union, Local #6, I.L.W.U., in good standing may be employed by the company. It will be enforced by the entire membership of our union, if it becomes necessary.

Memorandum of Agreement
(Copy)

It is hereby agreed that certain contract dated July 9, 1941, by and between Warehouse Union, Local 6, I.L.W.U., and Colgate, Palmolive, Peet Company, shall remain in full force and effect, pending the disposition of those provisions which apply to the following:

Shift differentials

Wage rates for women workers

Sick Leave

and upon which agreement has been reached by the parties hereto, subject to approval of the 10th Regional War Labor Board.

In Witness Whereof, we set our hands and seals this 24th day of July, 1945.

COLGATE, PALMOLIVE, PEET COMPANY

By /s/ C. A. ALTMAN

WAREHOUSE UNION, LOCAL 6, ILWU

By /s/ LOUIS GONICK

owu-cio

BOARD'S EXHIBIT No. 9

(Copy)

Warehouse Union, Local 6, C.I.O.

158 Grand Avenue Oakland 12, Calif. Higate 5045

July 31, 1945

Mr. Lincoln Olsen
623 Kearney St.,
El Cerrito, Calif.

In accordance with Article 15, Sections 1, 2 & 3, and in accordance with Section 7 of the same Article, of the Constitution of Warehouse Union, Local 6, International Longshoremen's & Warehousemen's Union, you are hereby notified that charges are preferred against you for the following violations of the constitution and By-Laws of this organization:

1. Violation of Declaration of Principles.
2. Violation of Oath of Membership.
3. Violation of Article 9, Section 1.

You are hereby notified that in accordance with Section 14, of Article 15, the Executive Committee finds that there is good cause to believe the charges to be true, and you are, therefore, suspended as a member of this Local as of this date, losing all rights and privileges, pending a trial as provided for in Article 15 of the Constitution of Warehouse Union, Local 6, ILWU.

/s/ PAUL HEIDE,

PH:ES

owu-cio

Vice-President for the Gen-
eral Executive Board

Registered—Return Receipt Requested

Received Aug. 31, 1945.

BOARD'S EXHIBIT No. 10

[Warehouse Union, Local 6 Letterhead]

September 1, 1945.

Colgate-Palmolive-Peet Company,
6th & Carlton Streets,
Berkeley, California.

Att: Mr. C. A. Altman

Dear Mr. Altman:—

This is to notify you that the employees named below have been suspended from membership in this Union and are no longer members in good standing.

Pending the determination of Charges which have been filed against these persons in accordance with our Constitution and By-Laws, you are requested, in accordance with our Agreement, to remove these persons from your employ until such time as you receive word from us in regard to their status as members in this Union.

Rose Ross

Esther Young

Ina M. Paige

Ophelia Reyes

Kay Norris

Ann Cerrato

Henry Giannarelli

Manuel Souza

Albert Zulaica

Martin Heppler

Bill Howard

Glex Hixon

Alden Lee

Al Barboni

Felix Denkowski

A. L. Richards

Terry Anderson

K. Periera

Mike Ramirez

Your immediate attention to this request will be appreciated.

Yours very truly,

/s/ PAUL HEIDE,

PH:ES

Vice-President.

owu-cio

Received Sept. 11, 1945.

BOARD'S EXHIBIT No. 11

[Warehouse Union, Local 6 Letterhead]

July 30, 1945.

Mr. William Sherman,
1515 Kains Avenue,
Berkeley, California.

In accordance with Article 15, Sections 1, 2 & 3, and in accordance with Section 7 of the same Article, of the Constitution of Warehouse Union, Local 6, International Longshoremen's & Warehousemen's Union, you are hereby notified that charges are preferred against you for the following violations of the constitution and By-Laws of this organization:

1. Violation of Declaration of Principles.
2. Violation of Oath of membership.
3. Violation of Article 9, Section 1.

You are hereby notified that in accordance with Section 14, of Article 15, the Executive Committee finds that there is good cause to believe the charges to be true, and you are, therefore, suspended as a

member of this Local as of this date, losing all rights and privileges, pending a trial as provided for in Article 15 of the Constitution of Warehouse Union, Local 6, I.L.W.U.

/s/ PAUL HEIDE,

Vice-President for the Gen-
eral Executive Board

PH:ES

owu-cio

Registered—Return Receipt Requested

BOARD'S EXHIBIT No. 12

August 22, 1945.

Dear Member:

Further investigation of the disruptive activities of former Shop Stewards and others, brings to light the following facts:

1. Some people enjoyed benefits of the closed shop Agreement at Peets, who were not members of your Union. Although the majority were paying their initiation, dues, and going to the meetings, there were a chosen few who were riding free. Why?
2. Many "favorites" were being "excused" from meetings, saving a \$1.00 fine, and undermining interest in Union affairs. Why?
3. Management was not reporting all new people hired, so that between the Stewards and the Company, your Union was steadily undermined

for six months. Those who did the dirty work were the ones pointing fingers at the elected Union officials and committing slander, while at the same time making big promises about the A.F.L. Why?

4. We found that these "misleaders" advised:
 - a) That the CIO Warehouse Union, Local 6, had no Agreement with Peets.
 - b) Not to join the CIO Warehouse Union.
 - c) Not to pay dues.
 - d) Not to show your Union book to any CIO Steward or official.
 - e) That you didn't have to bother with rules and by-laws passed by majority of the 18,000 members of Local 6.
 - f) That you didn't have to listen or follow the instructions of Bopp, Squires, Leacock and DaCruz, the Stewards who were elected unanimously at the last Peet's house meeting held Friday, August 10th, 8:00 P.M.

You Have Been Fed Poison and Now You Are
Being Wrongly Advised. Why?

5. Warehouse Union, Local 6, has an agreement with Peet's. A large company such as Peet's would not do business with a Union if it didn't have a written contract. Chemical Workers' Union #233 would be hard pressed to prove there wasn't a contract. They know a "good standing clause" is why the Company had to lay off the nine men when Local 6 demanded it.

6. Only members of the Warehouse Union, Local 6, work at Colgate Palmolive Peet Company. If anyone says different—let him test it!
7. Any Peet's employee reported as trying to get people to bolt the CIO and join the AFL or wearing an AFL button, will be taken off the job.
8. Local 6 is defending your best interest when it acts against disruptive members, just as in the Armed Forces we are always better off when spies and fifth columnists are kicked out, rather than appeased.
9. The coming trials will determine the honesty and justness of the charges.
10. As a result of the investigation last week, we have found it necessary to consider the removal of several more of the ringleaders who have violated all of our rules.
11. In a few days there will be a dues book check-up at the plant. Anyone who does not have his book will have to go home and get it.

If . . .

- a) you are more than sixty days delinquent in dues, you may be suspended from the job.
- b) You are six months delinquent, you will automatically be dropped from the rolls as a member in bad standing.

Who Got You Into This Mess?

Devotion to a friend, the noblest of human instincts, has been misused, and you have been misled. Regardless of whether there is an NLRB election, you will find that your confidence has been misplaced in a small group of selfish individuals at Peet's who would rather be "big fishes" in a small pond than just "average size" in a big pond. Ambitious, self-seeking men, are often willing to do anything to get one step higher . . . even tho they may injure the welfare and pocket books of their friends and fellow workers.

Some "innocent" bystanders and "standby-ers" will lose their AFL initiation fee and dues, while this provoked argument awaits settlement. When you consider the big fight ahead to improve our present wages, isn't it criminal that you should be used by unscrupulous people at the cost of your retroactive pay, pensions and seniority?

The Loss in the pocket will be yours, not the weak new Chemical Workers' Union.

Certain restrictions have been lifted from the War Labor Board procedure. Your Union demands the Company immediately institute:

- a) 5c per hour additional for women.
- b) 5c per hour additional for swing workers.
- c) 10c per hour additional for graveyard workers.
- d) 5 days' sick leave.

The Next Step—Sufficient wages per hour so that if the 40-hour week returns, you will not suffer take-home pay reduction.

Last Monday's special membership meeting attended by 2,000 members, and yesterday morning's membership meeting for graveyard workers, attended by 300 people, passed the following resolutions unanimously:

- 1) That CIO Warehouse Union, Local 6, participate, with the rest of the CIO Unions in this area, in a Wage Conference to establish the following benefits for all of our members.
 - a) \$1.15 per hour base pay for all warehouse workers.
 - b) Elimination of sex differential, once and for all, so that women get the same pay as men.
 - c) Jobs for all, regardless of race, color, sex or creed, and especially for returning veterans, to get all the benefits that they would have enjoyed had they not fought.

We Suggest—If you value your future at Colgate Palmolive Peet; if you enjoy your present job; if you would like to retain your seniority and pension, and receive the retroactive pay due you, we advise you to think carefully about anything told you—then tell the AFL disrupters that you are not interested in their form of phoney unionism.

WAREHOUSE UNION,
Local 6, I.L.W.U.

owu:cio

Received Aug. 31, 1945.

BOARD'S EXHIBIT No. 14

United States of America
Before the National Labor Relations Board

Case No. 20-R-1486

In the Matter of

COLGATE-PALMOLIVE-PEET COMPANY
and

INTERNATIONAL CHEMICAL WORKERS
UNION, AFL

Mr. Bartley C. Crum, of San Francisco, Calif.,
for the Company.

Mr. Harvey E. Howard, of Oakland, Calif., and
Mr. O. L. Farr, of Selma, Calif., for the AFL.

Messrs. Paul Heide and Charles Duarte, and
Gladstein, Grossman, Sawyer & Edises, by Mr.
Bertram Edises, of Oakland, Calif., for the CIO.

Mr. Benj. E. Cook, of counsel to the Board.

DECISION AND DIRECTION OF ELECTION
Statement of the Case

Upon a petition duly filed by International Chemical Workers Union, AFL, herein called the AFL, alleging that a question affecting commerce had arisen concerning the representation of employees of Colgate-Palmolive-Peet Company, Berkeley, California, herein called the Company, the National Labor Relations Board provided for an appropri-

ate hearing upon due notice before Robert E. Tillman, Trial Examiner. Said hearing was held at San Francisco, California, on August 22, 1945. At the commencement of the hearing, the Trial Examiner granted a motion to intervene by International Longshoremen's and Warehousemen's Local 6, CIO, herein called the CIO. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.

At the hearing, the Trial Examiner reserved ruling for the Board on motions made by the Company and the CIO to postpone any election to be directed herein until such time as the Board determines the validity of the charges filed by the AFL in case No. 20-C-1372. The motions are hereby denied.¹ The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

Findings of Fact

I. The Business of the Company

Colgate-Palmolive-Peet Company is a Delaware corporation, having its central office in Jersey City, New Jersey. It operates plants in Jersey City, New

¹The AFL on August 13, 1945, waived its right to protest any election directed herein on the grounds set forth in the charges filed by it in Case No. 20-C-1372.

Jersey, Brooklyn, New York, (a subsidiary), Jeffersonville, Indiana; Kansas City, Kansas, and Berkeley, California, where it is engaged in the manufacture and sale of soap and glycerine. During 1944, the gross sales of the Company at its Berkeley plant, the only plant involved in this proceeding, were in excess of \$1,000,000, and the total sales to customers located outside the State of California amounted to more than 25 per cent of the gross sales. During the same period, raw materials having a value in excess of \$1,000,000, were used at the Berkeley plant, of which more than 25 per cent was obtained from points outside the State of California.

The Company admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. The Organizations Involved

International Chemical Workers Union, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

International Longshoremen's and Warehousemen's Local 6, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. The Question Concerning Representation

The Company has refused to recognize the AFL as the exclusive bargaining representative of its employees.

It is the contention of the Company and the CIO that a contract executed by them July 9, 1941, together with successive extensions, constitutes a bar

to this proceeding. Neither the original nor supplemental contracts contain a definite termination date.² In view of its indefinite duration and the fact that it has been in force for at least 1 year, we find that the contract and extensions thereof, do not constitute a bar to a determination of representatives.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the AFL represents a substantial number of employees in the unit hereinafter found appropriate.³

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

²The original contract reads, in fact, as follows:

“Section 18. Future Changes. The above constitutes an agreement between the Company and its employees, represented by the International Longshoreman's and Warehouseman's Union, Local 1-6, and shall remain in effect unless and until changes become necessary because of conditions beyond the control of the Company or are requested by the employees through their representative.”

Although an extension agreement was executed on July 24, 1945, the indefinite duration clause of the original contract remained unchanged.

³The Field Examiner reported that the AFL submitted 212 authorization cards; that 7 were undated and 205 dated August, 1945, and that there were 330 employees in the requested unit. The CIO relied upon its contract as establishing its interest in the proceeding.

IV. The Appropriate Unit

We find, substantially in accord with an agreement of the parties, that all production, maintenance, warehouse, mechanical, and laboratory employees at the Company's Berkeley, California, plant, including non-technical and non-professional laboratory employees, watchmen, assistant foremen, and working foremen,⁴ but excluding office and clerical employees, chemists, foremen and all or any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. The Determination of Representatives

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

Direction of Election

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9

⁴The record reveals that the assistant foremen and working foremen, while exercising some directive authority, do not come within the Board's customary supervisory definition.

(c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

Directed that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Colgate-Palmolive-Peet Company, Berkeley, California, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the payroll period immediately preceding the date of this Direction, including employees who did not work during the said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether they desire to be represented by International Chemical Workers Union, AFL, or by International Longshoremen's and Warehousemen's Local 6, CIO, for the purposes of collective bargaining, or by neither.

Signed at Washington, D. C., this 26th day of
September, 1945.

PAUL M. HERZOG,
Chairman.

GERARD D. REILLY,
Member.

JOHN M. HOUSTON,
Member.

[Seal] NATIONAL LABOR
RELATIONS BOARD

Received Oct. 3, 1945.

BOARD'S EXHIBIT No. 15

	Date for Which First Paid	Seniority Date	Position
Hixson, Glenn	9/ 1/45	2/11/24	Ass't Foreman—Pdr. Dept.
Alegre, Mammel	9/ 7/45	4/ 9/24	Frame Setter
Barboni, Vincent	9/ 1/45	3/21/27	Soap Blower
Heppeler, Martin	9/ 1/45	8/ 1/27	Ass't Stock Man
Zalaica, Albert	9/ 1/45	2/20/28	Gang Leader—Toilet Dept.
Rigo, Calixto	8/30/45	7/31/28	Checker—Shipping Dept.
Marshall, Frank	7/30/45	10/29/28	Stock Man
Sherman, Wm.	7/31/45	6/14/29	Ass't Shipping Clerk—T. A. Whse.
Ramirez, Sebastian	9/ 1/45	9/23/29	Pipefitter Helper
Azevedo, Thomas	8/30/45	9/24/29	Machinist Helper
Smith, Harry	7/30/45	10/15/30	Checker—Shipping Dept.
Olsen, Lincoln	7/31/45	10/18/32	Machinist
Perucca, John	9/ 7/45	5/ 4/33	Oiler
Hellbaum, Henry	8/30/45	5/16/33	Extra Man Boiler Room
Lee, Alden	9/ 1/45	2/19/34	Packing Supply Man
Moreau, Sanford	7/30/45	2/23/34	Electrician Helper
Anderson, Terry	9/ 1/45	2/24/34	Carpenter
Howard, Wm.	9/ 1/45	3/31/36	Pipefitter
Luchsinger, Dave	7/30/45	6/10/36	Laborer—Roustabout Dept.
Richmond, Frank	9/ 5/45	8/18/36	Marker—T. A. Whse.

Date for Which First Paid	Seniority Date	Position
Ashworth, Robert	8/30/45	Jitney Driver
Denkowski, Felix	9/ 1/45	Batch Mixer & Soap Blower
Haynes, Clyde	7/30/45	Checker—T. A. Whse.
Lomborg, Harold	7/31/45	Temporary Pipefitter Helper
Munoz, Manuel	8/30/45	Packer—T. A. Whse.
Thompson, Edwin	7/31/45	Ass't Tower Man
Tate, Nick	8/30/45	Pump Man
Souza, Manuel	9/ 1/45	Box Strapper
Navarro, Edward	9/11/45	Batch Mixer & Soap Blower
Gianarelli, Henry	9/ 1/45	Batch Mixer & Soap Blower
Pereira, Caetano	9/ 1/45	Salt Man
Cerrato, Ann	9/ 1/45	Machine Operator
Norris, Kay	9/ 1/45	Packer
Ros, Rose	9/ 1/45	Machine Operator
Paige, Ina Mae	9/ 1/45	Packer
Reyes, Ophelia	9/ 1/45	Packer
Young, Genevieve	9/ 1/45	Machine Operator
Gilbert, Rose	9/13/45	Scerouter

Received Jan. 10, 1946.

RESPONDENT'S EXHIBIT No. 1

August 6, 1945

Progress Report

The present attempt to use the Hitler tactics of stirring up race hatred is apparent, due to the activities of those who are afraid they will lose their strangle-hold on the workers. All people, regardless of race, color or creed, are and have been working with us. A statement has been made that the International Chemical Workers Union, A. F. of L., discriminates against colored people. Nothing could be further from the truth. Chemical Workers Union will neither favor nor dis-favor anyone for his God-given birth status. There is not and never has been any race distinction in the issue at this plant. The attempt to insert it into events is proof enough in itself that the charges against our former officials are true, and some issue had to be brought into the picture to shield and draw attention away from the real issues. All of you remember our good friend, Bill Hunter, colored, who was the janitor at 158 Grand Avenue.

In Local No. 160 of the International Chemical Workers Union, Fresno, there are about 300 members, of which 275 are colored. There are two other Locals belonging to the International Chemical Workers Union which are 100% colored. They are accorded full rights and benefits that any other member is entitled to. They have full vote in the Council, and one of their members, Roy Fitzgerald, is a member of the Resolutions Committee of the

District Council. Anyone who discriminates in the International Chemical Workers Union will be expelled from membership. All that the employees of this plant are asking is to express their choice of the Union they want to belong to. Surely the Warehousemen's Union is American enough to leave it up to the employees.

General meeting for Peet's employees, Wednesday, August 8th, 4:15 p.m. Finnish Brotherhood Hall, 1970 Chestnut St., Berkeley.

Note: Dues and fees will be collected at the Finnish Brotherhood Hall, between 3:00 p.m., to 6:00 p.m., Daily.

RESPONDENT'S EXHIBIT No. 2

Progress Report

August 7, 1945

Information From Your International Chemical Workers Union Committee

What Kind of Union Do We Intend to Have?
The answer to that question is:

1. We shall have a Union that will be controlled by the workers.
2. We shall set the time and place for Our meetings.
3. We shall instruct our officials what we want them to do and have them assist us in doing it.
4. We shall elect our own officers, control our own money, dues and assessments.
5. We shall have meetings twice a month at a

hall close to the plant. If the membership desires the meetings will begin at 4:15 p.m., and adjourn as soon as we have completed our business.

6. We shall have the right to have meetings that will center around Our wages, working conditions, problems, and welfare.

7. We Will Not Stand for Anyone, Big or Small, Telling Us That We Have to Do This or That Because "They" voted for "It" Over in San Francisco.

Stewards Position

We do not intend to stand Any trial under dictator influence of the former officials. Such a trial would merely be a stage show—designed to impress a lot of people—the verdict would already be determined—Guilty! For what? Our right of free speech? Our right to Fight for the wishes of the membership? We are now members of the International Chemical Workers Union, A.F.L., we are in the Chemical industry and have no connection with the Warehouse group.

What Caused the Lid to Blow Off (Truth Not Lies)

Building up over the last year and a half—the two most recent items were—first the suspension of our stewards. Imagine if you please—over a year ago we carried out one of our few remaining rights, to elect, by an overwhelming majority, the Stewards of Our choice. At the time an attempt was made to shove in some characters who no one wanted. We took a secret ballot and defeated them

without question. But in doing so we left a sore spot which has never quite healed. The result being that "they" have been gunning for the Stewards and their friends who voted for them ever since. When the Stewards got sick at being snipped at, fed up on carrying out responsibility that should have been carried out by the officials, and felt they had a right to voice a protest, they were immediately ordered discharged by the Union. Prior to and leading up to this are such events as trying to obtain a paper from WLB, regarding vacation rates, Which Was Down at the Union Hall for Two (2) Solid Months, and in spite of requests, pleading, and almost begging, we could not get the officials to bring that one little piece of paper out to the plant. Is it our dues or our welfare they are interested in?

Another recent event showing the interest of our Former officials, was a clear cut case of a broken contract, and in the meeting that lasted about two and a half (2½) hours, our supposed-to-be business agent strained himself with the grand total of just eight (8) words which were in answer to a direct question. What Would You Call Such Events? Lazy? Stupid? Or plain disregard for the rights of employees at this plant? We are sure we don't know the answer to That question, but—Brothers and Sisters, we are sure of one thing, No One Is Going to Fire Our Stewards without a H—— of a fight. That, Brothers and Sisters, Is Just What Happened!

Let Us Repeat (There Is Not and Never Has Been Any Racial Issue). This Lie in Itself Ought

to Convince Those Who Would String Along With,
and Pay Money to Elements That Would Stoop to
Such a Trick!

Don't Forget!

Important news at your general meeting for
Peet's employees, Wednesday, August 8th, 4:15 p.m.
Finnish Brotherhood Hall, 1970 Chestnut Street,
Berkeley.

You can contact Your Union from 9:00 a.m., to
3:00 p.m., at Highgate 5922, and from 3:00 p.m.,
to 6:00 p.m., at Berkeley 8807.

Watch for Your Progress Report, we will be along
again tomorrow.

Note: Dues and fees will be collected at the Fin-
nish Brotherhood Hall, between 3:00 p.m., to 6:00
p.m., Daily.

RESPONDENT'S EXHIBIT No. 3

Progress Report

August 10, 1945

Preliminary conference was held August 9th at
10:30 a.m., before Merle D. Vincent, Jr., NLRB.
The Warehousemen's Union Refused the American
rights of the Colgate-Palmolive-Peet Soap Company
employees to choose their rightful collective bar-
gaining agents. The Soap industry, a manufactur-
ing plant, deals with a chemically made soap. The
employees in this plant belong in the chemical in-
dustry. You are chemical workers and can never

receive your rightful rates of pay as long as you remain in the Warehousemen's Union. The chemical rates for the majority of persons employed in this plant are much higher than you are now receiving.

Among your officers chosen to fight for you and represent you is Brother Eugene Lasaret-May. He was chosen by the membership because of his intelligence, leadership and sincerity. We are certain that the unanimous election of Brother Lasaret-May to the office of Vice-President of Your International Chemical Workers Union is a great advantage to all concerned.

The signed membership to date in the International Chemical Workers Union is well Over the two hundred (200) mark. Your Charter has been sent for and will be here in a few weeks.

The firm position of the Stewards and Committee was conspicuous in contrast to the shaky position held by the Warehouse Officials. When your Stewards declared that the Warehousemen's Union did not respect the wishes of the membership at this plant they were certainly right. Before the NLRB the Warehousemen's Union Officials refused to permit you the American right of self organization and a chance to select your own bargaining agent by an election. The Warehouse Union fears the results of an election and freedom of choice! They are compelling us to take action which will result in the Government ordering a formal hearing and then forcing the Warehouse Union to an election.

When the new contract and rights are securely

in the hands of the employees again, a regular election by secret ballot will be held to determine your permanent officers and Stewards. Anyone in good standing with International Chemical Workers Union will have the opportunity to assume the duties of these offices.

We Sincerely thank those people who participated in our meetings, and have shown their sincere desire to select their own bargaining agent.

RESPONDENT'S EXHIBIT No. 4

September 12, 1945

Bulletin No. 10

In view of the fact that we, as employees of C.P.P. Co., have been temporarily deprived of the right to exercise our American rights of free thought and speech, handed down to us by our forefathers, we find it necessary to use this letter as a medium for expressing our thoughts and speech.

Four of the biggest wars ever engaged in by this country were fought so men, women and children could have the right that our Creator meant us to have.

- 1—The Revolutionary War—fought to free us from enslavement by England.
- 2—The Civil War—fought to free the colored race from enslavement by the white race.
- 3—World War I—fought to prevent Germany from enslaving the rest of the world.

4—World War II—just concluded, the biggest and costliest in the history of man, fought to prevent the Germans, Italian and Japanese and other dictators from enslaving the rest of the world and destroying Democracy.

All of these wars have ended in favor of freedom and liberty. However, we now have a few individuals right here in our midst who act and smell as if they might be descendants of Adolph Hitler. None of the individuals that we are going to speak of took any part in this last war just concluded. We don't think they even know why this war was fought. Maybe they think it was just a little show to see who had the biggest guns and the most and largest aeroplanes and ships. We don't believe these individuals know or care anything about our United States Constitution and the Bill of Rights, freedom of thought, freedom of action, freedom of speech, and freedom to choose their own representatives. If they have ever heard of them, they are undoubtedly too stupid to grasp the meaning of them. For their information; the Constitution of the United States and the Bill of Rights give all Americans the right to legally do as they please and say what they want, as long as they stay within the laws of the country. No one has the right to tell others how they should live their lives. The four wars mentioned above were fought to eliminate individuals such as these mentioned above.

In this last war millions of men, women and children sacrificed their existence on this earth to free the world of such individuals and millions of others

will suffer the rest of their lives. True, many of us have been deprived the means to our food, clothing and shelter, because we had the courage to be real Americans and thought our own thoughts, disagreed with that which we hated and despised; but this is only temporary. To those of you who want to know—They Will Be Back. Your rights, and ours, even though it is a temporary sacrifice for us, will be safe-guarded and restored. There will be an election in the very near future. Do not believe the lies that Chuck Grube is spreading around.

It is hard to believe that a few unscrupulous (which means 'without principle') individuals can go into a plant such as C.P.P. Company and tell the management what to do, kick the employees around, permit such men as Chuck Grube to continue to insult his fellow-workers and try to coerce them and change their minds and even fire who they please. However, the wheels of justice grind slow but sure and in a matter of time these individuals will reap what they are sowing. We have decided that there is no individual, or group of individuals, big enough to take our American rights away from us, that have been protected and retained for us who are still alive at such a terrible cost in death and suffering.

We have just started to fight and we don't intend to quit until we have been freed from enslavement in the C.I.O.

RESPONDENT'S EXHIBIT No. 5

September 15, 1945

Bulletin Number 11—Progress Report

Where is all the democracy that the officials of the Warehousemen's Union have been howling about?

All of you know, of course, about the secret meeting held last Wednesday. Aren't secret meetings supposed to be banned? Nevertheless, they had one and had such famous people as Fearless Ed, and of course, dear little Georgie Squires was there, the people's choice—ha! ha!

We hear their attorney was the main speaker of the evening and he had a wonderful crowd of almost 23 people. At the meeting it was pointed out that your Progress Report made them very nervous and they didn't like what was in it. Why? Because it is the truth. We also hear their attorney admitted that there would be an election held at Peet's in less than two weeks, and all those terrible things that are in your bulletin must be stopped.

That's what Hitler said about the allied underground of the freedom-loving peoples of the nations he conquered and crushed. However, even Hitler knew he was beaten, and these dictators know it too. The employees of Peet's are not beaten or crushed and they know they will win, and soon. Even if the management has permitted Chuck Grube to intimidate, coerce and browbeat their employees in the plant. Even if the Company has taken the interpretation of that phony contract that

the Warehousemen's officials told them to take. Even if the Company did fire loyal employees because they had the courage to be Americans. There are a lot of people in the plant who would certainly like to know what Mr. Woods found out when he took certain employees for a drink last Monday. Of course, the Company is supposed to be neutral.

The dirty, little, yellow sheet put out by the Warehousemen's Union says, "Be sure to elect stewards from your departments." They elected stewards all right, not the people at Peet's, so that those stooges could join hands with the Company and get a lot of people who had the guts to say they didn't like the Communist controlled organization around them discharged. It so happens there are stewards in Peet's—elected by the employees there and the Warehouseman's Union would certainly give a good deal to know who they are. You can be sure they are not stewards whom the Warehousemen's Union and the Company choose to recognize as such. You can be sure there are no Fearless Eds or Georgie Squires included.

A telegram has been received from the National Labor Relations Board in Washington and our case is being worked on and we expect to have some very good news for you in the near future. You will have an election not far off from today. Those employees who were discharged will have the right to vote. Remember, those 47 men and women who were discharged in behalf of all of us have not lost faith.

Read your bulletins and be sure to see that they are distributed. A meeting will be held in the near

future and we will look forward to seeing all of you there.

There will not be a meeting Monday, September 17th, unless you are further notified.

RESPONDENT'S EXHIBIT No. 6

September 18, 1945.

Bulletin No. 12—Progress Report

In the last meeting of the Warehousemen's Union, Local 1-6, C.I.O., they tried to raise the dues seventy-five cents. Do you remember when it was stated by officials of the Warehousemen's Union that dues would not be raised? When they said our stewards were liars? Well, this proves who told the lie. Our stewards were one hundred per cent correct.

We believe a good many employees at Peet's would like to know what happened to the money that was supposed to go to the American Allied War Relief Fund. We understand that they had a mighty tough time about putting over the seventy-five cent raise in dues. We understand it was voted down twice in the same meeting but by hook or crook it was put through. Remember—"By their works thou shalt know them." A labor union is only as good as the officials who guide the destiny of that union and you can see what's happened to the Warehousemen's Union—Ahem.

Paul Heide must have been very embarrassed

when every person called to be a member of the Trial Committee refused to accept. We understand Heide was angry and stated that he was surprised that there was so little interest shown. Weren't the people interested in the C.I.O.? After refusal, a Trial Committee was selected. May be pulled the names out of his pocket—just in case. Certainly no one would want to be on a Trial Committee to try people for freedom of speech and the courage of their own American convictions, and we salute those people who refused. Did you know that it was stated at the meeting that Sherman, Lonnberg and Thompson would not be given a trial—that they were through? Is that American? Are they dictators that they can say who shall be through and who shall not be through? We know the employees of Peet's will give them their answer and fling the challenge of freedom in their faces. If tactics such as these are permitted, dictatorship will spread over our entire nation.

In the Labor Herald of September 13, the Warehousemen's Officials must have known that the majority of the employees of Peet's disliked and considered as intruders Charlie Leacock, Fearless Ed Bopp, George Squires and Manuel Da Cruz, so they gave their life histories and told them how badly these men want the C.I.O. Well, when this election is over, they will probably need the C.I.O. Leacock says, "I don't ask them to do what I say, just because I say it—I just ask them to do the right thing." Leacock, you tell the people who to do and you expect them to do it. The employees at Peet's

don't need to be told the right thing to do—they already know. Maybe these men need to find out what the functions of stewards are. They should know that stewards are supposed to fight for the people and be their servants, not dictators, not threaten the people with what will happen to them if they don't do so and so. Leacock stated, "The Warehousemen have been organized at Colgate-Palmolive Peet Company since 1936. We organized and got these benefits." Maybe Heide & Co. should tell Leacock the truth. Evidently they haven't, so we will. The people at Peet's didn't know the Warehousemen's Union existed in 1936. The employees belonged to I.L.A. and a Federal Labor Union in 1936. The Warehousemen's Union never secured any benefits for the employees. It was the workers, through their own stewards, elected by the majority of the employees, who made conditions as they are. Fearless Ed says, "Leacock's right, they'll just have to start negotiating over again." It is about time, isn't it? Fearless Ed says, "The air needed to be cleared up." Fearless, you're right, the air will be cleared up and you, Leacock, Squires, and Manuel Da Cruz, will know just what we mean. Remember, you cannot tamper with the people's freedom. Remember, you cannot threaten, browbeat, and curse American men and women. Remember, you cannot—not in America—take people's food, clothing and shelter and their right to a decent, honest living from them, because you might not like them—and there isn't room in American for anyone like that. Remember, "A new broom sweeps clean."

When the International Chemical Workers Union, Local 233, wins this election, and as soon as possible thereafter, there will be a hiring hall, centrally located, for the members of the International Chemical Union, Local 233.

RESPONDENT'S EXHIBIT No. 7

September 27, 1945

Bulletin No. 13—Progress Report

No doubt all of you have met the new Shop Steward, Pauline Goulard. Cute tricks the C.I.O. officials are pulling these days. Yes, it is true, approximately fifteen persons, out of 330 employees, voted to have Pauline be the Shop Steward. The C.I.O. officials met certain employees at the gate just before midnight. Funny—we could never get them out before. Now they are out at the plant day and night. Wonder why? Is it because they know an election is very, very near? Now, all the so-called stewards are just one big, happy family. They think they have the Company behind them, and they will have a lot of fun, threatening and browbeating their fellow workers, but they are only fooling themselves. No wonder the employees of Peet's intend to vote for the International Chemical Workers Union, A.F.L. At least they'll get a square deal there.

Remember the man the Company put on Super-suds as packer? Did he get the women's rate of pay? No, he received a man's rate of pay for doing

the same work under the same conditions. That's the fault of the C.I.O. officials. The International Chemical Workers Union, A.F.L., believes that when a woman does the same work, under the same conditions as a man, she should receive the same rate of pay. Why do the women in Colgate-Palmolive Peet Company pay union dues into the C.I.O. for that sort of treatment? We now have a chance to change that system, and a lot of other undemocratic, un-American methods that have been going on in that plant since the C.I.O. came up there.

About that election—The rumor from Mr. Wood's office, that was spread throughout the plant, could have been true. Mr. Howard received a telegram from Washington, stating that a decision would probably be handed down this week. That could have been last Monday. Mr. Crum, the Company attorney, was in Washington last Monday and could have telephoned Mr. Woods about our election. The National Labor Relations Board in Washington, after their decision, would Air Mail the letter to the Regional Board in San Francisco, and then the parties involved would get together and set the date. Mr. Howard called the N.L.R.B. Tuesday afternoon and they had not heard of any decision. He called Mr. Woods and Mr. Woods denied that Mr. Crum had called him and told him an election had been ordered. However, we know an election will be ordered—and soon—and we know the I.L.W.U., Local 1-6, C.I.O., will lose that election and we will have a people's organization, run by the employees, for the employees, and we also know that a "new broom sweeps clean."

Those men and women whose livelihoods were taken away from them, because they stood up and fought for the rights of all of us, are faithful and enduring and know that you are backing them up.

Of course you know of the marvelous fight now under way, against the adoption of a new union constitution, by the Marine Cooks and Stewards Association, C.I.O., and of the paper they are issuing, showing definitely what a grip the Communists are trying to get on our American men and women. You will hear more about this later.

We want you to know that another group of employees, all colored, from another company, have now joined your local, International Chemical Workers Union, A.F.L., Local 233, and they will be initiated, with your approval, at your next meeting. The International Chemical Workers Union, A.F.L., Local 233, sincerely invites every negro at Colgate-Palmolive Peet Company to become a member.

By the way gals—how do you like your wonderful raise of five cents, and also your wonderful raise to \$3.00 dues? They gave you five cents and took it right away from you and made you pay the C.I.O. Nice game, if you can work it.

You will be notified of any official moves. If you are in doubt, or hear any rumors, or you have anything you feel the membership should know, you know who to get in touch with, and what will be done about it.

RESPONDENT'S EXHIBIT No. 8

September 29, 1945.

Bulletin No. 14—Progress Report

At 3:15, Friday afternoon, a Special Delivery, Air Mail letter was received from Washington, and in it was the announcement all of us have been waiting for. The election has been ordered by the National Labor Relations Board in Washington, D. C., and signed, sealed and delivered to us. We wonder how Heide & Co. feel now. How the Company feels, when they said they had a valid contract. When they kicked our brothers, sisters, friends, wives and husbands out of the plant.

Mr. Howard will meet with the National Labor Relations Board, officials of the Warehousemen's Union, and the Company, just as soon as it can possibly be arranged, the early part of next week, and set the day for the election.

The order directing the election states, "We hereby direct that the question concerning representation shall be resolved by an election by secret ballot among the employees who were employed during the payroll period immediately preceding the day of this direction (September 26, 1945), including employees who did not work during said payroll period because they were ill, or on vacation or temporarily laid off, to determine whether they desire to be represented by the International Chemical Workers' Union, A.F.L., Local 233, or by the International Longshoremen's and Warehousemen's Union, C.I.O., Local 1-6, for the purpose of collec-

tive bargaining.” In other words, brothers and sisters, we knew what we were doing and, as you have already found out, the C.I.O. officials and the Company did not know what they were doing; they guessed.

Those men and women whose livelihood has been taken from them shall return, and they shall vote. There will be several special meetings in the near future and almost everyone who works at the plant shall be allowed to attend. Wait for your next Progress Report.

Those of you who wish to pay dues will be able to pay them at the meeting, as usual.

Once again, the International Chemical Workers' Union, A.F.L., wishes to invite every colored man and woman in that plant into the International Chemical Workers' Union, Local 233, A.F.L. We want you, and we want you to know that your problems will be everyone's problems. Remember—"All for one, and one for all."

RESPONDENT'S EXHIBIT No. 9

October 2, 1945.

Bulletin No. 15—Progress Report

Important!

There will be a special meeting Wednesday afternoon at 4:15, at the Finnish Brotherhood Hall, Mr. Howard and the Union Committee will meet with the Company officials and the C. I. O. officials

and decide the actual date of the election. Be sure to be there to find out the date and have all of your questions answered.

Once again, the International Chemical Workers Union, Local 233, A.F.L., extends a sincere invitation to all of the colored people in this plant to join the International Chemical Workers Union, Local 233, A.F.L. and be present at the meeting. This meeting will be open to almost every employee at Peet's.

Your September and October dues will be accepted Wednesday afternoon at the meeting. Remember, now is the time to get on the winning side.

RESPONDENT'S EXHIBIT No. 10

October 9, 1945

Bulletin No. 16—Progress Report

Many of us have read the very, very phony bulletin put out by the Warehousemen's Union, C.I.O. They mention that wages, sick leave, working conditions, closed shop agreements, pensions, seniority and future job security will be at stake when you cast your ballot. How right they are! They talk about future job security. There will be no future job security if the C.I.O. wins this election. They have already kicked out and taken away the means of livelihood of 45 employees, and from what we hear, if the C.I.O. wins, there are 150 or more names

Respondent's Exhibit No. 10—(Continued)
on their list. One of those might be you. How do you know?

Why don't the Warehouse Officials tell the truth? Since when did the C.I.O. ever give us any pensions, seniority, closed shop, working conditions (ahem!) and—so far as our wages are concerned, we are chemical workers, not warehousemen, and can never receive Chemical Workers' rates (they are much higher), so long as we are members of the Warehousemen's Union, Local 1-6, C.I.O. Our wages have been low, and the treatment afforded the women in that plant by the C.I.O. Officials is the rottenest deal so far. As far as their program goes, anyone should be able to see through that. There is nothing new about a forty hour work week, and the minimum for men and women is certainly "baloney."

How can we trust the C. I. O. Officials when they have betrayed us and lied to us in the past? What assurance have we that they will not continue to do so in the future? The women should have had that five cents increase in 1941—why did they have to wait almost four years to obtain it for them? Paul Heide admitted, under oath, that they hadn't even prepared a schedule for approval from the War Labor Board. Regarding the penalty for hard and dirty work—the Chemical Workers' Union has had that for almost five years.

They said they had recently received over \$12,000.00 in back pay for shift workers and women.

How come some of the workers at Clorax went back four months (1st day of June 1944) and ours only went back to October 12, 1944. Quite a little difference, eh? At Port Chicago the Chemical Workers Union has just won a case of almost \$150,000.00 in back pay, not for women alone, but for everyone (and there are only half as many workers there as at Peet's), and have one of the finest agreements in the country. West Vaco Chemical Company, Newark, has an outstanding agreement in wages and fine conditions, and there were only five or six persons voting in the election at West Vaco.

They asked if Chemical Workers Union, A.F.L. is strong enough locally and nationally to achieve demands for more wages, shorter hours and better working conditions. Not only are we strong enough, but we have in effect agreements throughout the State of California, since the close of the war, which have taken care of post-war problems, 25% increases, equal pay for equal work for women, closed shops, and numerous other advantages, and we don't have to strike to get them. The International Chemical Workers Union believes strikes should not be called, except as a last resort. Evidently the C.I.O. is not interested in your food, clothing and shelter and how you get it, when they call a strike or kick somebody off the job. We hear that the C.I.O. Officials want to pull a big strike at Colgate-Palmolive Peet Company, if they win this election. Are you prepared to go on strike for the C.I.O. for a couple of months?

Not only is the Chemical Workers Union strong

enough to get a closed shop for you, but we are strong enough to defeat the C.I.O. in this election by a great majority. They say this election is your life, which is probably true. Life doesn't mean too much to those who do not hesitate to kick people out of their jobs, just because they had the courage to say they didn't like the dictatorial methods of the Warehousemen's Officials. How can we continue to pay our dues to a union that threatens us, prohibits us from going on our jobs, kicks our brothers, sisters and friends out of their jobs, and which has refused, for years, to come down to the plant and help settle our problems? A union which will shove in appointed Shop Stewards who will make people afraid to speak to friends and neighbors on the job, for fear they might lose their own jobs?

Are you still willing to fight for the freedom that is America? Our men and women fought for four, long years across the seas to preserve this freedom—all you have to do to preserve your freedom in this plant is to vote for the Chemical Workers Union, A.F.L., Local 233. Is freedom worth that much to you? We think it is.

Of course, you know of the battle the rank and file committee is putting up in the Marine Cooks and Stewards Union, C.I.O., because of a communist constitution they are trying to shove down the members' throats. Do you know that the officials of the Marine Cooks and Stewards Union, C.I.O., kicked out the most popular members of their union? Remember—a leopard does not change its spots. Certainly, if you are honest with yourself, you cannot

vote for an organization such as that. Remember—it was the Warehouse Officials, C.I.O., who tried (but failed) to inject discrimination into this battle. They are the ones who are continually reminding the negro that he is a negro. They are the ones who are continually telling the negro he is being discriminated against. Surely no one else in this world knows the negro's problems as well as he does, himself, and he does not find it necessary to have these problems brought before him by the C.I.O. Warehouse Officials.

Chemical Workers' Union, Local 233, A.F.L., will win by an overwhelming majority. Don't be frightened by the propaganda put out by the C.I.O.—consider it as such—and vote for the union you know will best represent your interests——

The International Chemical Workers Union
Local 233, A.F.L.

RESPONDENT'S EXHIBIT No. 11

October 11, 1945.

Bulletin No. 17—Progress Report

Isn't it strange that scrap iron from the United States to the Japs was returned to us in the form of bombs and bullets, ready to enslave us and take from us our freedom of speech? Isn't it strange now, that our money that we earned and paid into the Warehouse Union as dues, is being used to pay

the salaries of Warehouse Union Officials, to fight us, kick us off our jobs, threaten us and deny us our freedom of choice and speech? We hope and pray that we do not have to go through another Pearl Harbor, within our own nation, before we recognize an enemy.

We, who have fought for so many years to maintain seniority as a means of security from unjust lay-offs and discharges, have seen our seniority disregarded as a non-existing factor by those we have paid and who are supposed to help us retain it. In reality, they have gone out of their way to destroy in the Colgate-Palmolive Peet Plant the very things it has taken us so long to build. We joined a union to unite our strength and money, to obtain justice from a Company who did not recognize seniority, vacations, relief periods, time and one-half for more than eight hours, double time for Sundays and holidays, shop stewards and our right to bargain collectively. The Warehousemen's Officials and the Warehousemen's Union did not get these rights for us, we, the employees of Colgate-Palmolive Peet Company, obtained these things without their help. We did not force them out of the Company without a long and hard-fought battle. Your Shop Stewards, elected by all the people at Peet's, with your help and your consent, are the ones who achieved them, and when one of our brothers asked the Officials of the Warehousemen's Union for help, they only laughed and said there were more important plants

than Peet's. Our strength was in the united stand we could present.

Now a few selected officials of the Warehousemen's Union have chosen to take the old line Company policy of laying off employees, regardless of seniority, changing them to different departments, regardless of how many years they have put in, kicking them out and taking their means of food, clothing and shelter from them. Is it because they feel they are the supreme authority and have forgotten who gave them their jobs to begin with? Well, brothers and sisters, we have fought this thing before and won and now we are in the fight again and we don't care if it's the Company or the Warehouse Union Officials, or who the H—— it is, we know how to fight and we will and must retain our unity. All 45 employees outside the plant, plus around 300 inside, must have one purpose in mind—defeat the phony Warehousemen's Union, C.I.O., officials in the coming election by voting for the International Chemical Workers' Union, Local 233, A.F.L., by such a huge majority that the company and the former union will never again attempt to trample on our rights.

Remember, the Company is watching this very closely and thousands of men and women in labor are also watching this election very closely. Dare we fail so many? Even if we win by a close majority, the Company might take the position that we are divided so——

We must win by a huge vote.

Not one of us can leave even the most remote

item undone. Nothing, regardless of how small, must be overlooked. Talk to your fellow-workers, see that they understand the issues, be sure they get there to vote. Remember, the time is short now and you must be alert to avoid being left in the clutches of a thing, which in the opinion of many, would stop at nothing.

Because of the lies and deceit of the Warehouse Union Officials, we realize some confusion prevails in the plant, so we must make two things clear:

(1) Any employee of Peet's, who was hired between July 31, 1945, and September 23, 1945, who has been required to pay an initiation fee to the Warehouse Union, between the above dates, will not be required to pay another initiation fee to the Chemical Workers Union, Local 233, A.L.F.

(2) All those employed at Peet's, prior to July 31, 1945 (who have not already joined), need only pay \$2.00 Initiation Fee to become members of this fighting union.

The election will be held Tuesday, October 16, 1945, in the Clubhouse, 7th and Pardee Streets, Berkeley; 6:00 a. m. to 8:30 a.m. and 2:00 p. m. to 5:30 p. m. Remember, this may be your last opportunity to save yourself and others from a real strangle-hold. This fight goes far deeper than just union against union. Sinister purposes, deep-seated hatred, long standing vengeance—are very likely to be your reward if we should, by chance, lose this election. So, for your own sake, do what you can now.

RESPONDENT'S EXHIBIT No. 12

October 12, 1945.

Bulletin No. 18—Progress Report

How long must we continue to be threatened, coerced and intimidated? How long must we continue to permit C.I.O. officials to stop us on the streets and ask us who we will vote for? Don't they know this is America—that our vote is secret and they will know only too well how we have voted by 7:30 Tuesday night? They will know only too well that we have won by a large majority and rejected their un-American, communistic, slimy tactics. How long must we continue to permit men with the intelligence of Leacock to physically attack our own people in the plant we have helped build? Yes, it is true, Leacock, having authority for the first time in his life, asked one of our brothers on the job who he was voting for and when our brother said it was none of his D—— business, Leacock followed him up the stairs and attempted to beat him up. Lucky for Leacock that our brother kept his head or he might have been in the hospital today. Are these the kind of stewards you want to represent you for better wages, hours and conditions of employment? The day of the club is over—we must have statesmen—intelligence—to win our battles—not ignorance. However, the C.I.O. Warehousemen officials believe in threatening, coercing and frightening people to the extent that they do not even dare to say who they are for on their own job for fear they will be kicked out.

Did you hear about the strike the C. I. O. officials want to pull at Peet's when this is over? Are you prepared to pound the pavements without any money for two or three months? In order to save yourself from this, be sure to vote in the Right Hand Corner of your ballot next Tuesday, for the Chemical Workers' Union, A.F.L. Remember, all laid off employees who were temporarily kicked out by the dirty tactics of the C.I.O. officials will vote in the Right Hand Corner for the Chemical Workers Union, A.F.L. Remember, there are 150 or more employees that the C.I.O. officials have already got ear-marked to kick out of their jobs if they win this election. So get your friends—talk to them—see them on the job—on the street—in their homes—and tell them, in order to save their jobs they must vote for the Chemical Worker's Union, A.F.L., in the Right Hand Corner. Remember—we welcome into the Chemical Workers Union, A.F.L., any employee who is honest and decent, regardless of his race, creed or color. The C.I.O. officials are the ones who have continually brought up the racial issue. Don't be fooled—they are only seeking to divide and conquer.

The International Chemical Worker's Union, Local 233, A.F.L., has a fine contract drawn up ready to be considered by all parties concerned, just as soon as this election is over, and it will increase your wages and better the hours and working conditions in that plant. Remember—you are Chemical Workers and you can never receive the high Chemical Worker's rates if you vote for the Warehousemen's

Union. We do not intend for anyone to work for less than \$1.00 an hour in that plant, man or woman, equal pay for equal work for women—and many other conditions—and above all—freedom to do and say what you want without fear of being kicked out of your job.

Vote for the Chemical Worker's Union, A.F.L., in
the Right Hand Corner of Your Ballot

Don't forget the special meeting for the swing shift workers at 1:00 o'clock, in the Finnish Brotherhood Hall, Monday, October 15th, and the special meeting for the day workers at 4:15 P.M. of the same day. Don't be afraid to attend—the C.I.O. won't be able to hurt you any more.

You don't need to have your book with you or your dues paid up in order to vote. The United States Government regards you as employees only and this election is being held to determine what union you wish to belong to.

RESPONDENT'S EXHIBIT No. 13

October 13, 1945.

Bulletin No. 19—Progress Report

Remember?

Remember when we were forced to pay political action dues and our money was spent in behalf of candidates we were actually against? Was all our money that was forced from us spent for the pur-

pose it was intended for—or was it spent for—something else?

Remember when officials of the Warehouse Union, C.I.O., forced us to buy dance tickets and if we didn't, we couldn't pay our dues and if we didn't pay our dues we were kicked out or fined. Remember they didn't even consult the membership—just forced us to buy them—or else?

Remember when our stewards requested the Warehouse officials to come to Peet's to adjust our differences and they refused? Remember? Remember months that many of us didn't even see an official of the Warehouse Union? They were willing to take our dues but gave us nothing in return for them.

Remember when the members who worked at Peet's went to a meeting and we had nothing to say about our problems? * * * They were decided by strangers and people from other plants.

Remember when the Warehouse officials and the Company officials said we could not have an election? When the Company permitted Chuck Grube and the officials of the Company to say we would not have an election until February, 1946? When the Company permitted certain employees to brow-beat, lie, threaten and coerce the employees under them?

Remember when our dues were \$1.50 per month and we had three doctors and \$250.00 death benefit? Remember * * * the C.I.O. officials took these conditions away from us * * * they said too much

money was going for sick benefits. (As if they cared whether the people were sick or well.)

Remember when the Warehouse Officials, C.I.O., transferred around sixty thousand dollars from the death benefit fund to the general fund? Why? What happened to our money? Remember when they said they would not raise the dues and in less than eighteen months they decided to raise them and had their stooges at the meeting and did raise them—over our protests? And remember, they are now forcing the women to pay the same dues because they got a raise of a few cents. Did you know the Warehouse Union officials are planning to raise the dues to \$4.00 per month? * * * If they win * * * which they won't! Remember, when we decided to stand behind our stewards because they fought for our rights? When you walked out for two and a half days because you were determined to stand up and see that your American privileges were not trampled upon?

Remember when we delegated four employees to meet with the Management in behalf of our stewards and when they arrived they met the officials of the Warehouse Union, C.I.O.? Remember how they were insulted in the Management's offices and then kicked out of their jobs?

Remember when 25 men stopped 8 women and 5 men and would not even let them go on plant property, and when the women proved their books were paid up, those lousey C.I.O. officials just laughed and kicked them off their jobs.

Remember when the Warehouse Union, C.I.O., arranged to inject some phoney stewards over us, and when some of those phoney stewards let a little power go to their heads and tore some of our fellow-employees' shirts from them because they decided to vote differently?

Remember when one of those stewards and some strangers went into the plant on one shift and threatened one of our people if they continued to even talk about the A. F. of L.?

We Must Vote for the Chemical Workers' Union, A.F.L., in the Right Hand Corner.

We must, and will, destroy this rule-by-force. For they cannot kick our pals out—they cannot kick any of us out. Let's vote in the Right Hand Corner—for a free union.

Remember, it is for you to decide—Democratic freedom (the right to speak—to think—to act—as Americans) or do you prefer threats, violence and dictatorship of the C.I.O. branch of communism—Vote in the Right Hand Corner.

Remember, Asia, China, Poland, now completely controlled by Russian Communism * * * next all of Europe * * * America can be next * * * America is the last hold out of Freedom * * * Vote in the Right Hand Corner.

Remember—your vote now saves your future security, your job, your home, your American rights, your country, from the curse of communism. Vote in the Right Hand Corner.

Remember—your boy and mine * * * do you want

them to come home to fight our battles here on the home front, too? Vote in the Right Hand Corner.

Remember—Divide and conquer is the program of all dictatorships. We must all Vote in the Right Hand Corner to show our strength.

Remember the struggle of the C.I.O. (tool of Communist Russia) is seeking to divide working men and women against each other!

Remember—the C.I.O. will use color, race and creed to divide and conquer. Your militant effort Now can change the tide. Our future is too important to let Moscow tell us how to think and act.

RESPONDENT'S EXHIBIT No. 14

Bulletin No. 20—Progress Report

October 15, 1945.

Are You Interested in Dollars and Cents?

The officials of the Warehouse Union are not content with misleading the people, permitting their stewards to coerce their fellow-workers on the job—not content to permit an election based solely on the truth, as a result they sent to the homes of Peet's employees a bulletin showing rates and certain conditions between Peet's employees and West Vaco Chemical Company employees. For the information of the officials of the Warehouse Union, the contract they spoke of was in effect in 1937. We don't know whether this is due to their ignorance and deceitfulness, or just a continuance of the very stupid blunders they have been making, when they

refer to a contract that was done away with over eight years ago. However, even then the employees at West Vaco Chemical Company were receiving swing shift and graveyard differentials and higher rates than are now being paid at Peet's—all this—over eight years ago

For example: What you will receive when you vote in the Right Hand Corner for the Chemical Worker's Union, A.F.L., is as follows:

	Warehousemen's Rates		Chemical Workers Rates
Sea Foam Machine Oper.....	\$.961½		\$1.25
Palmolive Mach. Oper.	1.001½		1.25
All Maintenance Dept. Rates....	1.39	Up to	1.60
Laborers921½	From	1.00 up
Pressmen961½		1.11
Driers	1.001½		1.25
Soap Blowers	1.001½		1.25
			Women's Rates
Machine Operator80		1.00 to 1.11
Soap Packers75		1.00

Remember—Other facts enter into the working conditions in the plants referred to by the officials of the Warehouse Union, of which they were not aware, or did not care to mention—some are—In many of the plants where the Chemical Worker's Union has contracts, the Company furnishes modern homes for \$18 per month, and furnishes free meals for overtime work in excess of the regular eight hours. Also they have access to Company gardens in which to raise their own food—all chemical plants have been getting shift differentials for years, not just retroactive to October 12, 1944. In most plants where we have Chemical Worker's

Unions, their working clothes are furnished by the Company.

Wouldn't the 45 men and women who have been kicked out of their jobs because they wanted decent working conditions feel silly to return to Peet's at rates far below those they were receiving? Do you think for a moment they would promote a program for lower rates?

Don't let the Warehouse Officials lie to you and get away with it. Chemical Workers are going for rates that will exceed the Warehouse Union scale by At Least 7½¢ per hour. Peet's does not have a closed shop, they only have preferential hiring and the Chemical Workers Union intends to tie up the loose ends of this and many other shameful conditions that have been allowed to exist and enter into a contract with the Company that will make us proud to belong to a union—an honest union is sorely needed in this town and we intend to supply it.

At Springfield Cedar, the employees sweat under a terrible system by agreement of the Warehouse Union and the Company. A piece work system that all real American labor, men and women, should be against. The Officials of the Warehouse Union are permitting the employees of Springfield Cedar to work for rates as low as fifty cents an hour—starvation wages. Why don't they do something about these people, or have they neglected them as they have the employees at Peets? Is it because they fear they will lose your dues if they don't promise \$1.15 per hour?

You are listed as commercial workers and the Warehousemen could not and would not send you to the docks and terminals with a higher rate of pay until every available man holding terminal and dock books, and there are plenty of them, has been sent to work, so—they lied to you again—their contracts mean nothing to you. However, when the Chemical Worker's Union wins this election tomorrow, and just as soon as possible, thereafter, we will have our own hiring hall, owned by you and operated for you.

Remember, all of you who are colored, it is the Warehousemen's Union Officials, C.I.O. who are constantly reminding you of your color. They want to set you against one another so that they may divide and conquer, and we, the Chemical Workers at Colgate-Palmolive-Peet Company sincerely invite you to join the Chemical Worker's Union, A.F.L., by marking (x) in the Right Hand Corner, at the election tomorrow.

Remember this election is to determine which union you wish to join and no one knows, not even the Warehouse Officials, how you vote—you alone know that, but in case you become confused, mark (x) in the Right Hand Corner.

What is left of the Warehouse Union contract at Peet's will be through, done and over with when you vote Tuesday in the Right Hand Corner.

Correction: Bulletin 19 — typographical error "we had three doctors" corrected statement to read "we had free doctors".

RESPONDENT'S EXHIBIT No. 15

Sample Ballot

“Vote Right in the Right Hand Corner”

United States of America
National Labor Relations Board

Official Secret Ballot

This ballot is to determine the collective bargaining representative, if any, for the unit in which you are employed. If you spoil this ballot, return it to the Board Agent for a new one.

Mark an “X” in the square of your choice

International
Longshoremen and
Whs'men Union
Local 1-6
C. I. O.

NO UNION

International
Chemical Workers
Union Local No. 233
A. F. L.

[]

[]

[x]

Remember

(Take me to the polls with you)

(1) Remember—Your job is at stake in this election.

(2) Remember—To Vote for Your own Union, Control Your own money, Elect Your own Officers and Stewards.

(3) Remember—This is Your country, are You willing to sacrifice it for Communism!

(4) Remember—Your vote in the “Right Hand Corner” will return Your friends back to work, (They fought for you—you vote for them) also protect Your future.

Place Your "X" in the Right Hand Corner
Bring Us Back to Work

Your Stewards and Friends Fought for You——
Vote for Us and Have a Good Clean Union

RESPONDENT'S EXHIBIT No. 16

[Warehouse Union Letterhead.]

July 31, 1945.

Colgate, Palmolive, Peet Company,
6th & Carlton Streets,
Berkeley, California.

Att.: Mr. C. A. Altman

Dear Mr. Altman:—

This is to notify you that the employees named below have been suspended from membership in this union and are no longer members in good standing.

Pending the determination of charges which have been filed against these persons in accordance with our Constitution and By-Laws, you are requested, in accordance with our Agreement, to remove these persons from your employ until such time as you receive word from us in regard to their status as members in this union.

Ed Thompson, 1034 Virginia Street, Berkeley,
Calif.

H. Lomnberg, 1245 - 60th Avenue, Oakland,
Calif.

Lincoln Olsen, 623 Kearney, El Cerrito, Calif.

William Sherman, 1515 Kains Avenue, Berkeley,
Calif.

Your immediate attention to this request will be
appreciated.

Very truly yours,

/s/ PAUL HEIDE,

Vice-President.

PH:ES

owu-cio

Special Delivery

INTERVENER'S EXHIBIT No. 1

[Stamped] Warehouse Union Local 6, ILWU
158 Grand Avenue, Oakland 12, Calif.

July 28, 1945.

Mr. Frank Marshall,

Rt. 1, Box 241,

Walnut Creek, Calif.

In accordance with Article 15, Sections 1, 2 & 3,
and in accordance with Section 7 of the same Article,
of the Constitution of Warehouse Union, Local
6, International Longshoremen's & Warehousemen's
Union, you are hereby notified that charges are preferred
against you for the following violations of
the Constitution and By-Laws of this organization:

1. Violation of Declaration of Principles.
2. Violation of Oath of Membership.
3. Violation of Article 9, Section 1.

You are hereby notified that in accordance with Section 14, of Article 15, the Executive Committee finds that there is good cause to believe the charges to be true, and you are, therefore, suspended as a member of this Local as of this date, losing all rights and privileges, pending a trial as provided for in Article 15 of the Constitution of Warehouse Union, Local 6, ILWU.

/s/ PAUL HEIDE,

Vice-President for the General Executive Board.

PH:ES

owu-cio

Registered—Return Receipt Requested.

INTERVENER'S EXHIBIT No. 2

Employees Welfare Ass'n.

July 30th, 1945: (4:15 P.M.) Finnish Brotherhood Hall, 1970 Chestnut St., Berkeley, Calif.

Wm. Sherman, President,

E. H. Thompson, Rec. Sec.

An address by Bro. Thompson stressing fact of past policy of present bargaining agents, I.L.W.U., and what our future course of action should be.

Motion by Thompson that we withdraw from the C. I. O. and International Longshoremens and Warehousemen's Union District #1 Local 6. Form an Independent Union and seek affiliation with another International. Motion seconded. Vote carried unanimously in favor 205 opposed None.

Motion that we go back to work tomorrow morning pending settlement of 5 Brothers Shop Stewards laid off by management at request of I.L.W.U. officials. If shop Steward don't work, nobody works. Carried unanimously.

Motion is Ed Bopp be allowed to work only if he discontinue being I.L.W.U. Shop Steward. P. S.: Bopp appointed Shop Steward by I.L.W.U. officials July 30th P.M.

Motion to elect a two (2) member negotiating Committee. Nominated and seconded, were E. H. Thompson, Wm. Sherman, H. Lonnberg and Lincoln Olsen. An amendment to the motion that the 4 members nominated to be elected amendment seconded. Amendment carried and motion carried unanimously.

Motion to elect 2 trustees. Motion seconded. Bill Stolba, Carl Carlson, Ralph Hugel, Gleen Hixson and Chas. Scutti nominated. Sloba—72 Carlson—19 Hiegel—62, Hixson—93, Scutti—19. Hixson and Stolba elected.

General discussion about getting 5 Shop Stewards back on the job. P. S. 5 Shop Stewards, H. Smith, Frank Marshall, Clyde Haynes, Sanford Moreau and Dave Luchsinger were by motion duly made and seconded which unanimously to hold office as Steward till elections are held.

Official Report

July 30th, 1945: Wm. Stolba, L. Olsen, Dave Luchsinger, Wm. Sherman, E. H. Thompson following general meeting visited an attorney for legal

reasons as to best way to complete severing relations with I.L.W.U. 1-6. Telegrams were sent to I.L.W.U. 1-6. Oakland and San Francisco, Calif.

Telegram was also sent to Bert Railey, Mgr., C.P.P. Co.; 800 Carlton St., Berkeley, Calif.

You are hereby notified of action taken by more than 200 employees of C.P.P. Co., all being former members of I.L.W.U. 1-6 and being more than 50% of total employees have withdrawn and severed relations with I.L.W.U. as collective bargaining agent.

Adjournment.

E. H. THOMPSON,
Rec. Sec.

INTERVENER'S EXHIBIT No. 3

July 31st, 1945 (12:00) (Noon)

The meeting was called to order by Bill Sherman.

The discussion started out with some of the things that took place this morning. July 31st at the plant.

1. Mainly the rehiring of our shop steward.

Suggestion carried that we choose one man from each department to be a source of information by phone for future action.

1. Tom Azevedo—Sea Foam—Trin. 8618.

Al Zullaci—Toilet Dept.—Thorn. 7041.

Terry Anderson—Carpenter—Kellogg 42442 Sw 8009.

W. C. Howard—Pipe Shop.

Henry Hellbawm—Boiler—La 5-0487.

Discussion that took place, a vote was taken again to continue the meeting until shop Stewards all returned to work. One suggested that they be put to work in the office. Railey opposed it as yet.

Meeting continued till Aug. 2, 1945. 5:00 PM.

New Employees representative on job.

Martin Heppler—

Manuel Allegre—

Bob Ashworth

Closed Meeting August 2, 1945. 5:00 P.M.

Motion was duly made and seconded to employ Harvey E. Howard, as Labor Consultant, and grant him the power to sign all necessary papers for the employees of Colgate-Palmolive-Peet Co. relative to Wages, Hours and conditions of employment. Motion carried unanimous.

Motion was duly made and seconded that the Employees Welfare Association of the Colgate-Palmolive-Peet Co. be disbanded and affiliation and membership in the International Chemical Workers Union, A.F.L., be applied for. Unanimously carried.

Motion was made and seconded that L. Olsen be authorized to sign all necessary papers with Harvey E. Howard. Unanimously carried.

Motion was made and seconded that all employees return to work pending a National Labor Relations Board election. Motion carried. A collection was

called for the help defray expenses and \$87.50 was received.

Adjournment.

E. H. THOMPSON,
Rec. Sec.

INTERVENER'S EXHIBIT No. 4

Warehouse Union—C.I.O.

Local 6

158 Grand Avenue, Oakland 12, Calif.

Higate 5045

Mr. Harold Lonnberg

1245 60th Ave.

Oakland, Calif.

July 31, 1945.

In accordance with Article 15, Sections 1, 2 & 3, and in accordance with Section 7 of the same Article, of the Constitution of Warehouse Union, Local 6, International Longshoremen's & Warehousemen's Union, you are hereby notified that charges are preferred against you for the following violations of the constitution and By-Laws of this organization:

1. Violation of Declaration of Principles.
2. Violation of Oath of Membership.
3. Violation of Article 9, Section 1.

You are hereby notified that in accordance with Section 14, of Article 15, the Executive Committee finds that there is good cause to believe the charges to be true, and you are, therefore, suspended as a member of this Local as of this date, losing all rights and privileges, pending a trial as provided for in

Article 15 of the Constitution of Warehouse Union,
Local 6, ILWU.

/s/ PAUL HEIDE,

Vice-President for the Gen-
eral Executive Board.

PH:ES

Owu-CIO

Registered—Return Receipt Requested.

Received Aug. 31, 1945.

INTERVENER'S EXHIBIT No. 5

Constitution, By-Laws and Rules of Order. Ware-
house Union, Local 6, International Longshore-
men and Warehousemen's Union.

Declaration of Principles

We, the warehouse men and women of San Fran-
cisco and Bay Tributaries, in order to build and
maintain a strong Union organization; provide for
the defense of our common interests; promote the
general welfare of our members and other wage
earners and uphold the rights and dignity of our
labor and its organized expression, have determined
that we shall be guided by the following principles:

1. An injury to one is an injury to all.
2. All rights and duties belong, without discrim-
ination, to each member of the organization as long
as they comply with the rules of the organization.
3. The right of each member to receive such a

fair and just return for his labor as will make possible sufficient leisure for education and recreation.

4. The right to be treated in a decent and respectful manner by the employer at all times.

5. To use all possible safety measures in our work as not to injure brother and sister members; to promote good will among the wage earners in our industries, and to reduce the great hazards of our occupation.

6. To regulate our conduct, both as a union member and as individuals, so as to raise the living standards of those employed in our industry and make our occupation what it should be, an honest and secure means of earning a decent livelihood, protection against accident, sickness and old age.

7. To assist other unions whenever possible in their resistance to attacks on their wages and working conditions and for the attainment of their demands.

8. Basing ourselves upon these principles, we are determined to do everything within our power, collectively and individually, and as an important sector of the organized labor movement, to promote the best interests of our members, and other wage earners when this becomes necessary, believing as we do that the solidarity of the labor movement is the only way to preserve and improve the living standards of wage earners.

9. We pledge ourselves to labor united and for the principles set forth herein to perpetuate our Union and to work concertedly with the general labor movement to bring about the highest standard

of living to all workers and have adopted the following Constitution, By-Laws and Rules to aid us in abiding by these principles.

* * *

Article IX

Membership Duties

Section 1. The first duty of each member is to be a true and loyal member of this Local; to foster and advance all objectives beneficial to the cause of labor; to purchase only union-made goods, and not to patronize any place where unfair labor is employed.

* * *

Obligation

I do most solemnly on my honor affirm that during my association with the Warehouse Union, Local 6, I will remain a true and faithful member, observe its laws, and labor as far as lies within my power to further the advancement of my trade so that my fellowmen can receive and enjoy with me the just fruits of our labor; that I will attend the meetings of this Union as often as it is possible for me to do so; that I will not reveal, unless by permission, any of the workings that may at any time be confided in me; and I do further promise to assist a member of the Warehouse Union, Local 6, when and wherever I may find him or her in distress; that I will never knowingly commit an act injurious to the interests of him or her, but will help to preserve the rights of his or her household

inviolable; and finally I will strive to create a fraternal feeling between our Union and organizations who mean to uphold the dignity of labor, and affirm the nobility of all who earn their bread by the sweat of their brow; that I will not deal in any manner with any person who is an enemy of labor. To this I pledge my honor.

INTERVENER'S EXHIBIT No. 6

Before

Warehouse Union, Local 6

International Longshoremen's & Warehousemen's
Union

In the Matter of

WAREHOUSE UNION, LOCAL 6, INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, CIO,

Plaintiff,

vs.

CLYDE W. HAYNES, DAVE LUCHSINGER, FRANK MARSHALL, SANFORD MOREAU, HARRY A. SMITH, H. LONNBERG, LINCOLN OLSEN, ED THOMPSON and WILLIAM SHERMAN,

Defendants.

DECISION OF TRIAL COMMITTEE

The members of this Trial Committee were chosen by drawing lots at a regular meeting of the

Union, as provided in Article XV, Section 6, of the Constitution of Warehouse Union, Local No. 6 (ILWU). Brother Nelson Wilson was chosen as Chairman.

None of the members of this Trial Committee knew anything personally about this case before the trial or has an axe to grind. We are a rank and file committee and we have tried to decide this case fairly on the evidence presented at the trial and nothing else. Everything we say here is the unanimous opinion of all of us.

The trial was held in the Green Room at 158 Grand Avenue, Oakland, California, on October 3, 1945. The four signers of this decision, Brothers Nelson Wilson, Claude Larrabee, Frank Carabello and Johnny Wilson, showed up at the trial, but Brother Manuel Farias was unable to attend. Paul Heide was prosecutor.

Brother Heide put in the record an affidavit showing that the charges had been sent by registered mail to all the nine defendants,

Clyde W. Haynes	H. Lonnberg
Dave Luchsinger	Lincoln Olsen
Frank Marshall	Ed Thompson
Sanford Moreau	William Sherman
Harry A. Smith	

He also put in the record return receipts from the post office showing that all these defendants had gotten the charges, except William Sherman, and his letter was returned by the post office showing he refused to accept it. Under Section 7 of Article

XV all that is necessary is that the charges must be mailed by registered mail, and it does not prevent the trial if the defendant refuses to accept the charges.

None of the defendants showed up at the trial. This brings up Section 11 of Article XV which says that if the accused fails to appear for trial without an excuse which satisfies the Trial Committee, such failure to appear may be considered by the Committee as conclusive proof of guilt. Two of the defendants, Frank Marshall and Harry A. Smith, wrote in at the last minute claiming to be sick, but they didn't show any doctor's certificate or anything except their own statement. The Committee gave a lot of thought to this matter and decided that the excuses were not good ones and were made just for delay.

The charges were then read and the Chairman asked for pleas of guilty or not guilty. Naturally since the defendants didn't show up, no pleas were made. However, we decided that we were not going to rely on Section 11 and insisted on hearing the evidence in the case.

The charges against Brothers Haynes, Luch-singer, Marshall, Moreau and Smith, the shop stewards at Colgate-Palmolive-Peet, are as follows:

We, the undersigned, members of Warehouse Union, Local 6, I.L.W.U., hereby bring charges against the following members of the Union for violations of the Constitution of Warehouse Union, Local 6, I.L.W.U., and

specifically for violating the Oath of Obligation, the Preamble, the Declaration of Principles, and the provisions of Article 9, "Membership Duties," of the Constitution:

Clyde W. Haynes	0-1280
Dave Luchsinger	0-1152
Frank Marshall	0- 757
Sanford Moreau	0-1921
Harry A. Smith	0- 790

We also charge the above-named members with the following specific violations of our Constitution and our Union policies, as adopted by majority vote of the membership:

1. Attaching and violating the no-discrimination policy of the I.L.W.U.
2. Using their positions as Stewards to spread false and misleading information among the membership concerning the policy and program of the Union, the activities and position of the Union officers, the status of the Union treasury and the status of the contract between the Union and Colgate-Palmolive-Peet Company.
3. Encouraging non-payment of dues and non-attendance at Union meetings by members whom they were responsible to check and keep in good standing.
4. Failure and refusal to honestly represent the grievances of members employed by the Company.
5. Refusal to post all bulletins and official

notices submitted to them by the Union officers in conformity with regular Union procedure and with actions taken by the Union membership.

6. Conspiring with enemies of the I.L.W.U. and of the labor movement to destroy the Union.

Louis Gonick	0-2343	Jim Nelson	0-2192
Name	Book #	Name	Book #
Charles Duarte	0- 817	Joe Gomes	0-1581
Name	Book #	Name	Book #
George Canete	0- 140	Charles Murray	0 132
Name	Book #	Name	Book #
Lauro Cortez	0-2253	David A. Wilson	0-2276
Name	Book #	Name	Book #

The charges against Brothers Lonnberg, Olsen, Thompson and Sherman are as follows:

We, the undersigned, members of Warehouse Union, Local 6, I.L.W.U., hereby bring charges against the following members of the Union for violations of the Constitution of Warehouse Union, Local 6, I.L.W.U., and specifically for violating the Oath of Obligation, the Preamble, the Declaration of Principles, and the provisions of Article 9, "Membership Duties," of the Constitution:

H. Lonnberg	0-1900
Lincoln Olsen	0-1941
Ed Thompson	0-1982
William Sherman	0- 788

We also charge the above-named members of the Union with the following specific violations of our Constitution and our Union policies, as adopted by majority vote of the membership:

1. Attacking and violating the no-discrimination policy of the I.L.W.U.

2. Deliberately spreading false and misleading information among the Union membership concerning the policies and program of the I.L.W.U., the activities and the position of the Union Officers, the status of the Union treasury and the status of the contract between the Union and Colgate-Palmolive-Peet Company.

3. Conspiring with enemies of the labor movement to weaken and destroy the I.L.W.U.

4. Leading a movement for non-payment of dues and non-attendance at Union meetings among the membership at Colgate-Palmolive-Peet Company.

5. Making libelous and defamatory statements concerning other members of the Union.

6. Promoting and leading a strike at the Colgate-Palmolive-Peet Company in open violation of the Union's no-strike pledge.

Louis Gonick 0-2343 Jim Nelson 0-2192

Name	Book #	Name	Book #
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Charles Duarte 0- 817 Joe Gomes 0-1581

Name	Book #	Name	Book #
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George Canete 0- 140 Charles Murray 0- 132

Name	Book #	Name	Book #
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Lauro Cortez 0-2253 David A. Wilson 0-2276

Name	Book #	Name	Book #
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We will take up first the charges against former Shop Stewards Haynes, Luchsinger, Marshall, Moreau and Smith. The testimony showed that these men have been working against the established policies of the union for a long time. For example, the Union's policies against discrimination on account of race or color. Back in the early part of 1944 Marshall refused to take up the beef of a Negro member at Peet's named Harrison because he "didn't like him." The other stewards backed him up on this and all of them were taken before the Grievance Committee and found guilty of conduct unbecoming stewards and given a reprimand for their treatment of this Negro brother. Then there was the Ulysses Norman case, where a union member at Peet's said out loud in the dressing room that there are too many Negroes in the Union, the quicker we get them out the better (only he didn't say "Negro.") Brother Norman, who is a Negro, filed charges against the brother who made this statement. Defendants Marshall and Sherman publicly defended the right of this member to make such attacks on Negro fellow members. The position of the ILWU against spreading race hatred and prejudice is well known and has brought much praise to the organization. We believe that defendants Marshall and Sherman were working against the best interests of the Union by taking this position and were violating the principles of the Union and their oath of membership.

There was a lot of evidence showing that all of the stewards fell way down on the job when it came

to carrying out the duties of their office. For instance, they refused to put Section 10 of the Peets contract into effect, which called for setting up stewards for each department. They refused to select a Chief Steward as required by the contract. They showed poor judgment in regard to what grievances to present to the management. They pushed many phony grievances. They failed to attend meetings of the Executive Council, which was their duty as stewards, and also membership meetings. This was a poor example for rank and file members, in regard to attending union meetings. It all mounts up in our opinion to sabotage of the steward's job.

The Union's political action program took a bad beating from the stewards. For instance they refused to carry out the mandate of the union membership in regard to financial support for the National Citizens Political Action Committee. They sabotaged collection of funds for the defense of Harry Bridges, President of the ILWU. They opposed the program for wiping out the Little Steel formula. They bucked the Union's program in regard to enforcing OPA regulations.

Toward the end of May, 1945, they even refused to call a meeting of the employees at Peet's to discuss current contract negotiations, air the grievances of the rank and file and elect stewards for the coming year. Brother Lou Gonick, Business Agent, demanded three separate times that they arrange to call such a meeting, but the stewards kept putting him off with phony excuses, and after they finally

agreed to call a meeting they broke their promise, claimed they forgot all about calling the meeting. Marshall, Smith and Haynes were the ringleaders but all five of them played this game. Finally Brother Gonick went ahead and made his own arrangements for the meeting and gave the stewards notices of the meeting to post, but they refused to post them. This was bound to hurt the Union in the eyes of the employees. It prevented the Union's officers from contacting the membership at Peet's and giving them a first-hand account of their activities, especially the current contract negotiations. We believe the stewards were clearly guilty of working against the best interests of the Union and its members.

The Trial Committee gave a lot of thought to the evidence in this case and we are unanimously to the effect that these defendants, Haynes, Luchsinger, Marshall, Moreau and Smith are guilty of the charges. It is too bad that they didn't show up themselves because we would have liked to hear their side of the story. But they had a fair chance to appear and they didn't take it, and so we have got to make our decision on the evidence in the record, and on that evidence we have got to find them guilty.

On the question of punishment, as provided in Article XV, Section 9, of the Constitution. We think these men have betrayed their trust as officers of this Union and have shown themselves to be unfit for further membership in our organization. Therefore we unanimously recommend that

Clyde W. Haynes, Dave Luchsinger, Frank Marshall, Sanford Moreau and Harry A. Smith be expelled from this Union.

In regard to the second set of charges, against Lonnberg, Olsen, Thompson and Sherman, the evidence showed that these four men were responsible for pulling the only wartime strike that members of this Local ever were guilty of. Our Union has a right to be proud of its record in regard to the wartime no-strike pledge, which was 100% except for what happened at Peet's. Their leadership in the strike at Peet's on August 1, 2 and 3, 1945, was responsible for stopping production of thousands of gallons of glycerine, a vital war material needed by our armed forces in the field. This is very serious, because nothing could give the Union and the labor movement more of a black eye, when our nation was fighting for its life against its enemies.

On top of this, the evidence shows that three of these men, Sherman, Thompson and Lonnberg, made libelous and defamatory charges against Paul Heide and other officials of the Union, such as being racketeers, looting the Union's treasury and so forth. The payoff is that none of these men ever brought charges against Heide or any other Union officer under the Constitution, although under Article XV, Section 1, they were duty-bound to do this. Or even made any charge of misconduct on the floor, at a union meeting, although they had plenty of opportunity to do this. We disapprove very strongly of such wild and irresponsible conduct.

One thing we want to make very clear. We do

not hold it against these men, or any of the other defendants, that they apparently joined the A F of L Chemical Workers Union. If they thought the men could get a better deal through the A F of L, that was their right under the Wagner Act, as we understand it, just as A F of L members have the right to change to the CIO if they want to. After all, that is a question for the rank and file to decide. Undermining union policies is something else. Policies such as political action, equal rights for all races and colors, and the wartime no-strike pledge are fundamental to the welfare of the Union and its members. The union cannot and should not tolerate such conduct.

We declare that defendants H. Lonnberg, Lincoln Olsen, Ed Thompson and William Sherman are guilty of the charges. We recommend that they lose all rights as union members and be expelled from this organization.

October 10, 1945.

/s/ CLAUDE M. LARRABEE,

/s/ JOHNNY WILSON,

/s/ NELSON WILSON,

/s/ FRANK CARABALLO.

INTERVENER'S EXHIBIT No. 7

Before: Warehouse Union, Local 6, International
Longshoremen's & Warehousemen's Union

In the Matter of

WAREHOUSE UNION, Local 6, INTERNA-
TIONAL LONGSHOREMEN'S & WARE-
HOUSEMEN'S UNION, CIO,

Plaintiff,

vs.

MANUEL ALEGRE, TERRY ANDERSON,
ROBERT ASHWORTH, TONNY AZEVEDO,
VINCENT BARBONI, ANN CERRATO,
FELIX DENKOWSKI, HENRY GIANNA-
RELLI, HENRY HELLBAUM, MARTIN
HEPPLER, GLEN HIXON, WILLIAM
HOWARD, ALDEN LEE, MANUEL MU-
NOZ, KAY NORRIS, INA PAIGE, K. PE-
RIERA, JOHN PERUCCA, MIKE RAMIE-
REZ, CALIXTO RIGO, OPHELIA REYES,
F. L. RICHMOND, ROSE ROS, MAN-
UEL SOUZA, NICK TATE, GENEVIEVE
YOUNG, ALBERT ZULAICA,

Defendants.

DECISION OF TRIAL COMMITTEE

We, the members of the Trial Committee, being
Brother P. Lind, Chairman; Brother M. Pavalini,
Brother Joe Quartarola, Brother J. Silva, and

Brother M. Freitas, have met together and reached our decision in the case of the members at Colgate-Palmolive-Peets who went on strike.

The charges filed against defendants Nick Tate, Robert Ashworth, Manuel Munoz, Tommy Azevedo, Calixto Rigo and Henry Hellbaum were as follows:

We, the undersigned members of Warehouse Union, Local 6, ILWU, hereby bring charges against the following members of the Union for violation of the Constitution of Warehouse Union, Local 6, ILWU, and specifically for violating the declaration of principles, oath of membership, and Article 9, Section 1:

Nick Tate

Tommy Azevedo

Robert Ashworth

Calixto Rigo

Manuel Munoz

Henry Hellbaum

We also charge the above named members of the Union with the following specific violations of our Constitution and our Union policies as adopted by majority vote of the membership:

1. Deliberately spreading false and misleading information among the Union membership concerning the policies and program of the ILWU, the activities and position of the Union officers, the status of the Union treasury and the status of the contract between the Union and Colgate, Palmolive, Peet Company.
2. Conspiring with enemies of the labor movement to weaken and destroy the ILWU.

3. Leading a movement for non-payment of dues and non-attendance at Union meetings among the membership at Colgate-Palmolive-Peet Company.
4. Making libelous and defamatory statements concerning the other members of the Union.
5. Promoting and leading a strike at the Colgate-Palmolive-Peet Company in open violation of the Union's no-strike pledge.
6. Persisting, although warned many times to discontinue, in their disruptive and agitational activities which is hampering production and peaceful work of the vast majority of our members at Colgate-Palmolive-Peet Company.

Dated: August 9, 1945.

CHARLES DUARTE,

Book # 0-817.

LOUIS GONICK,

Book # 0-2343.

The charges filed against the rest of the defendants were as follows:

We, the undersigned members of Warehouse Union, Local 6, ILWU, hereby bring charges against the following members of the Union for violation of the Constitution of Warehouse Union, Local 6, ILWU, and specifically for violating the declaration of principles, oath of membership, and Article 9, Section 1:

Rose Ross	Martin Heppler
Esther Young	Bill Howard
Ina M. Paige	Alex Hixon
Ophelia Reyes	Alden Lee
Kay Norris	Al Barboni
Ann Cerrato	Felix Denkowski
Henry Giannarelli	F. L. Richmond
Albert Zulaica	Terry Anderson
Manuel Souza	K. Periera
Manuel Alegre	John Perucca
Mike Ramirez	

Dated: August 9, 1945.

CHARLES DUARTE,

Book # 0-817.

LOUIS GONICK,

Book # 0-2343.

Registered letters setting forth the charges were sent to all the defendants. Also, all the defendants were given bills of particulars.

The trial was held on December 17, 1945, at 8 o'clock P.M. in the Green Room at 158 Grand Avenue, Oakland, and all of the defendants were there. Brother Lind, Chairman, was in charge. After the charges were read, all of the defendants said that they pleaded Not Guilty. A statement was then read for the defendants by Kay Norris, raising several legal points. We have considered these points and do not agree with them. For example, in regard to the statement that the defendants did not get a copy of the charges, each of them received a letter from the Union stating the charges exactly. Fur-

thermore, each one received a bill of particulars stating that the only issue was in regard to fomenting or participating in an unauthorized strike in wartime, in violation of the ILWU's no-strike pledge. All the defendants knew what they were charged with and had a chance to defend themselves.

After the statement was read by Kay Norris, the following defendants walked out of the trial:

Manuel Alegre	Kay Norris
Terry Anderson	Mike Ramierez
Henry Giannarelli	Ophelia Reyes
Henry Hellbaum	F. L. Richmond
William Howard	Genevieve Young

The rest of the defendants stayed on and were given opportunity to put on a defense.

The evidence showed that on August 1, 2 and 3, 1945, while the United States was at war with Japan, an unauthorized strike was pulled at Colgate-Palmolive-Peet plant in Berkeley, where Local 6 is the bargaining agent. This was in violation of the solemn pledge made by our Union many times during the recent war not to strike until the defeat of our enemies. For example, as late as July 13, 1945, the Union went on record:

“That we reaffirm our wartime No-Strike pledge. The war in the Pacific comes first. The fighting men must receive their weapons and supplies without stint, without interruption or delays of any kind.”

When President Truman came into office the Executive Board adopted the following pledge, which the membership of Local 6 confirmed:

“On behalf of the entire membership of the International Longshoremen’s & Warehousemen’s Union, we renew and give to President Harry S. Truman and the Nation our solemn pledge that until the war is ended with the unconditional surrender of Japan we will not strike, stop work, or cease or slow production for any reason whatsoever.

“We reiterate that this is an unconditional pledge, given in the knowledge that our first duty is to our Nation and that, despite provocation, we must take no action that will imperil our Nation or cause the prolongation of the war or cause the unnecessary loss of so much as one Allied life.

“We further make the positive pledge that we will do everything in our power to shorten the war by lending ourselves to intelligent solution of the manifold manpower problems and to the development of all possible means to speed production.”.

The Trial Committee wishes to point out that the ILWU had a 100% record in regard to upholding this pledge. We all know there was plenty of provocation for strikes during the war, but the members of this Union knew that the boys on Iwo Jima, Tarawa and Kwajelein had a lot of provocation, too. The only black mark on the Union’s 100%

No-Strike record during the war was the wildest stoppage at Peets. This lasted about two and a half days and held up production of glycerine for the armed forces, a vital war material.

The evidence showed that each of the defendants took part in this unauthorized wartime strike except Rigo and Alegre, and the evidence showed that these two were guilty of fomenting and encouraging the strike. As a matter of fact, the defendants who stayed on at the trial later admitted that they were guilty of participating in the strike. We find that the following defendants are guilty of participating in an unauthorized strike in wartime, contrary to the ILWU's no-strike pledge:

Terry Anderson	Kay Norris
Robert Ashworth	Ina Paige
Tommy Azevedo	K. Periera
Vincent Barboni	John Perucca
Ann Cerrato	Mike Ramierez
Felix Denkowski	Ophelia Reyes
Henry Giannarelli	F. L. Richmond
Henry Hellbaum	Rose Ros
Martin Heppler	Manuel Souza
Glen Hixon	Nick Tate
William Howard	Genevieve Young
Alden Lee	Albert Zulaica
Manuel Munoz	

We find that the following defendants are guilty of fomenting and encouraging an unauthorized strike in wartime, contrary to the ILWU's no-strike pledge:

Manuel Alegre	Calixto Rigo
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Some of the defendants raised the point that a couple hundred people walked out at Peets and yet only 36 were brought up on charges. The answer is that as a Trial Committee we have the right to try only the people who are charged. We have not got the right to try anybody who is not charged. When somebody is charged, it is the duty of the Trial Committee to decide whether they are guilty or innocent, not to decide whether somebody else is guilty or innocent. The Constitution sets up a perfectly good way of bringing charges against members of this Union and if anybody wants to find out whether the other two hundred members at Peets are guilty of violating the no-strike pledge, let them file charges under the Constitution and bring them to trial. The fact that a lot of other people may be guilty does not excuse these defendants. They are all over 21 and responsible for their actions.

The next question is what should the punishment be. In regard to the ten defendants who walked out and refused to stand trial, they have disgraced the good name of the ILWU and yet their conduct shows that they do not repent of their actions. They are not entitled to any consideration from this organization. We therefore recommend that the following defendants be expelled from the Union and deprived of all their rights and privileges as Union members:

Manuel Alegre	Kay Norris
Terry Anderson	Mike Ramierez
Henry Giannarelli	Ophelia Reyes
Henry Hellbaum	F. L. Richmond
William Howard	Genevieve Young

In regard to the other 17 defendants, the fact that they were willing to stand trial before their fellow members and answer for their actions is a point in their favor. They were honest enough to admit their guilt and asked for lenient treatment from this body. Therefore we make the following recommendation for punishment of:

Robert Ashworth	Ina Paige
Tonny Azevedo	K. Periera
Vincent Barboni	John Perucca
Ann Cerrato	Calixto Rigo
Felix Denkowski	Rose Ros
Martin Heppler	Manuel Souza
Glen Hixon	Nick Tate
Alden Lee	Albert Zulaica
Manuel Munoz	

1. They shall be permanently deprived of their present seniority at Peet's.

2. They shall be put on probation for one year from date, during which time they shall not hold office or trust in the local. At the end of the year the Grievance Committee shall consider their case, and if it finds that they have conducted themselves as good Union members, they shall be restored to all the rights and privileges of members of the Union in good standing.

3. During the period of probation, they shall have the right to work out of the hiring hall and to be employed in Union houses on the same basis as other members of the local, without discrimination.

Dated: December 24, 1945.

PAUL N. LIND,

Chairman.

MANUEL FREITAS,

MARIO J. PAVLINA,

JULIUS R. SILVA,

JOSEPH QUARTAROLO.

INTERVENER'S EXHIBIT No. 8

Before: Warehouse Union, Local 6, International
Longshoremen's & Warehousemen's Union.

In the Matter of:

WAREHOUSE UNION, LOCAL 6, INTERNA-
TIONAL LONGSHOREMEN'S & WARE-
HOUSEMEN'S UNION, CIO,

Plaintiff,

vs.

CLYDE W. HAYNES, DAVE LUCHSINGER,
FRANK MARSHALL, SANFORD MO-
REAU, HARRY A. SMITH, H. LONNBERG,
LINCOLN OLSEN, ED THOMPSON and
WILLIAM SHERMAN,

Defendants.

Board Room, Warehouse Union, Local 6
158 Grand Avenue, Oakland, California

October 3, 1945. 2:30 P.M.

Before Trial Board:

Nelson Wilson, Chairman.

Claude Larrabee

Frank Caraballo

Johnny Wilson

Appearances: On Behalf of the Plaintiff:

Paul Heide, Vice President, Warehouse Union,
Local 6, 158 Grand Avenue, Oakland, California.

Present: Emma Stanley, Office Secretary, Ware-
house Union, Local 6, I.L.W.U., CIO.

Intervener's Exhibit No. 8

Proceedings Before Warehouse Union—(Con't)

PROCEEDINGS

Chairman Wilson: I will now call this meeting to order. May I have two Sergeants at Arms, please?

(Whereupon, two members of Local 6 volunteered as Sergeants at Arms.)

Chairman Wilson: Who is the Prosecutor?

Mr. Heide: I am, Mr. Chairman.

(To the Reporter): Do you want to take my name? Paul Heide, Vice President of the Warehouse Union, Local 6, ILWU.

Chairman Wilson: Brother Larrabee will now read the names of the Defendants.

Mr. Larrabee: The first name is H. Lonnberg. Is Brother Lonnberg present? (No response)

Lincoln Olsen? (No response)

Ed Thompson? (No response)

William Sherman? (No response)

Clyde Haynes? (No response)

Dave Luchsinger? (No response)

Frank Marshall? (No response)

Sanford Moreau? (No response)

Harry A. Smith? (No response)

Chairman Wilson: Are any of you present? (No response)

Mr. Prosecutor, proceed with your case.

Mr. Heide: I think, Mr. Chairman, that the next order in the trial is the reading of the charges.

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

The fact that the Defendants are not present here does not prevent the Trial Committee from proceeding with the trial. They have all been duly notified, and evidence will be introduced to show that they have been so notified, in accordance with the Constitution of the Union.

Mr. Larrabee: Do you want me to read the six charges?

Mr. Heide: Mr. Chairman?

Chairman Wilson: Yes.

Mr. Heide: Does the Trial Committee have a copy of the charges that have been filed against the Defendants in this case?

Chairman Wilson: Yes, they have.

Mr. Larrabee: We have a copy here (indicating document).

Mr. Heide: I think it is proper that the charges be read at this time.

Chairman Wilson: Will you read the charges, Mr. Larrabee?

Mr. Larrabee: I will read the charges.

“We, the undersigned, members of Warehouse Union, Local 6, I.L.W.U., hereby bring charges against the following members of the Union for violations of the Constitution of Warehouse Union, Local 6, I.L.W.U., and specifically for violating the Oath of Obligation, the Preamble, the Declaration of Principles,

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

and the provisions of Article 9, 'Membership Duties,' of the Constitution:

"Clyde W. Haynes 0-1280

"Dave Luchsinger 0-1152

"Frank Marshall 0-757

"Sanford Moreau 0-1921

"Harry A. Smith 0-790

"We also charge the above-named members of the Union with the following specific violations of our Constitution and our Union policies, as adopted by majority vote of the membership:

"1. Attacking and violating the no-discrimination policy of the I.L.W.U.

"2. Using their positions as Stewards to spread false and misleading information among the membership concerning the policies and program of the Union, the activities and position of the Union officers, the status of the Union treasury and the status of the contract between the Union and Colgate-Palmolive-Peet Company.

"3. Encouraging non-payment of dues and non-attendance at Union meetings by members whom they were responsible to check and keep in good standing.

"4. Failure and refusal to honestly represent the grievances of members employed by the Company.

"5. Refusal to post bulletins and official notices submitted to them by the Union officers

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

in conformity with regular Union procedure and with actions taken by the Union membership.

“6. Conspiring with enemies of the I.L.W.U. and of the labor movement to destroy the Union.”

Mr. Grube: Brother Heide, I move at this time that the Secretary read off the charges. I think we will get a clearer understanding of the procedure.

Mr. Larrabee: Will you read this off? (Indicating document)

Chairman Wilson: Is there any objection?

Mr. Grube: It is simply to be read, and no action to be put at this time.

Miss Stanley: You don't want me to re-read this first one, do you?

Mr. Grube: No. I think we have a fair understanding of that.

Miss Stanley (To the Reporter): My name is Emma Stanley. I am the Office Secretary.

“We, the undersigned, members of Warehouse Union, Local 6, I.L.W.U., hereby bring charges against the following members of the Union for violations of the Constitution of Warehouse Union, Local 6, I.L.W.U., and specifically for violating the Oath of Obligation, the Preamble, the Declaration of Principles,

Intervener's Exhibit No. 8—Proceedings
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and the provisions of Article 9, 'Membership Duties,' of the Constitution:

"H. Lonnberg 0-1900

"Lincoln Olsen 0-1941

"Ed Thompson 0-1982

"William Sherman 0-788

"We also charge the above named members of the Union with the following specific violations of our Constitution and our Union policies, as adopted by majority vote of the membership:

"1. Attacking and violating the no-discrimination policy of the I.L.W.U.

"2. Deliberately spreading false and misleading information among the Union membership concerning the policies and program of the I.L.W.U., the activities and the position of the Union officers, the status of the Union treasury and the status of the contract between the Union and Colgate, Palmolive-Peet Company.

"3. Conspiring with enemies of the labor movement to weaken and destroy the I.L.W.U.

"4. Leading a movement for non-payment of dues and non-attendance at Union meetings among the membership at Colgate, Palmolive-Peet Company.

"5. Making libelous and defamatory statements concerning other members of the Union.

"6. Promoting and leading a strike at the

Intervener's Exhibit No. 8—Proceedings
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Colgate, Palmolive-Peet Company in open violation of the Union's no-strike pledge."

These charges have been signed by Louis Gonick, Charles Duarte, George Canete, Lauro Cortez, Jim Nelson, Joe Gomes, Charles Murray and David A. Wilson.

Chairman Wilson: Mr. Prosecutor, will you proceed with your case?

Mr. Heide: Mr. Chairman, I think it would be proper at this time for the Chair to ask if any of the Defendants are present, that they submit their plea at this time, whether guilty or not guilty, and then I will proceed.

Chairman Wilson: Are any of the Defendants present? (No response)

It seems as if not any of them are present.

Mr. Heide: Mr. Chairman, in connection with the Defendants' failure to appear, I would like to point out that Section 11 of Article 15 of the Constitution of Warehouse Union, Local 6 provides as follows:

"If the accused fails to appear for trial without an excuse which satisfies the Trial Committee, such failure to appear may be considered by the Committee as conclusive proof of guilt."

Mr. Chairman, I would now like to submit Exhibit No. 1 for the prosecution, which is the original signed copy of the charges against Clyde W. Haynes,

Intervener's Exhibit No. 8—Proceedings
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Dave Luchsinger, Frank Marshall, Sanford Moreau and Harry Smith, and submit as Prosecution's Exhibit No. 2 the signed copy of the charges, which have already been read, against H. Lonnberg, Lincoln Olsen, Ed Thompson and William Sherman.

I offer as Prosecution's Exhibit No. 3 an affidavit showing that notices of this trial and copies of the charges were served on all of the Defendants.

Exhibit No. 3 reads as follows:

"State of California,
County of Alameda—ss.

"Emma Stanley, being first duly sworn, deposes and says:

"I am a person over the age of twenty-one years and am an employee of Warehouse Union, Local 6, I.L.W.U. On September 20, 1945, I served upon Clyde W. Haynes, Dave Luchsinger, Frank Marshall, Sanford Moreau, and Harry A. Smith, H. Lonnberg, Lincoln Olsen, Ed Thompson and William Sherman, and each of them, by sending to each of these said persons by registered mail, postage fully prepaid, the original of the letters annexed hereto and hereby made a part hereof, addressed to each of such persons, respectively, at the respective addresses stated therein. The letters to Clyde W. Haynes, Dave Luchsinger, Frank Marshall, Sanford Moreau and Harry A. Smith each contained a copy of the Charges annexed hereto and hereby made a part hereof, marked Ex-

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

hibit 'A.' The letters to H. Lonnberg, Lincoln Olsen, Ed Thompson and William Sherman each contained a copy of the Charges annexed hereto and hereby made a part hereof, marked Exhibit 'B.' Attached to each of said letters, except the letter to William Sherman, and hereby made a part hereof, are the return delivery receipts for said letters and Charges which I received from the United States Post Office, Oakland, California. Attached hereto and hereby made a part hereof, marked Exhibit 'C,' is the letter to William Sherman, which was returned by the United States Post Office by reason of the fact that said William Sherman refused to accept delivery of said letter. The address set forth is the true and correct address of said William Sherman as shown for him on the Union books and he was residing there at the time he refused to accept delivery of the said letter.

“Subscribed and Sworn to Before Me This
3rd Day of October, 1945.

/s/ “EMMA STANLEY.

/s/ “J. B. MORRISON,

“Notary Public in and for the County of Alameda, State of California.”

Chairman Wilson: Is there any objection? (No

Intervener's Exhibit No. 8—Proceedings
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response). If not, the exhibits may be received in evidence.

(Copy of Charges against Clyde W. Haynes, Dave Luchsinger, Frank Marshall, Sanford Moreau and Harry A. Smith was received in evidence and marked Plaintiff's Exhibit No. 1.)

(Copy of Charges against H. Lonnberg, Lincoln Olsen, Ed Thompson, and William Sherman was received in evidence and marked Plaintiff's Exhibit No. 2.)

(Affidavit of Emma Stanley and attached documents were received in evidence and marked Plaintiff's Exhibit No. 3.)

Mr. Heide: Mr. Chairman, I would like to call as the first witness for the prosecution, Charles Duarte.

CHARLES DUARTE

called as a witness on behalf of the Plaintiff, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Heide:

Q. Will you state your name and position with the Union?

A. Charles Duarte, Business Agent, Oakland Unit, Local 6, ILWU, Book No. 0-817.

Q. Do you know Clyde W. Haynes, Dave Luch-

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

(Testimony of Charles Duarte.)

singer, Frank Marshall, Sanford Moreau and Harry Smith, who are Defendants in this case?

A. I do.

Q. Who are they?

A. They were formerly the Stewards at the Colgate-Palmolive-Peet Company.

Q. Are you familiar with their activities as Shop Stewards at that plant? A. I am.

Q. Did they always work together as one group, that is, collectively? A. They did.

Q. Are you familiar with the grievance of a Negro Union brother at Peet's, named Harrison?

A. I was involved in the Carlyle Harrison case at the time Brother Harrison was discharged from his job for coming in a few minutes late, I believe it was on a Saturday.

Q. Will you just answer the question "Yes" or "No?" A. Yes.

Q. Are you familiar with that case?

A. I am.

Q. Will you state what occurred in connection with the handling of the grievance?

A. Brother Harrison came to me and stated that the Stewards at Colgate-Palmolive-Peet's had not taken his case to a final conclusion. I immediately went out to Colgate-Palmolive-Peet's and discussed it with the various Stewards, the Stewards named here. I was told by Marshall that the reason he did not want to take the beef up was because he did

Intervener's Exhibit No. 8—Proceedings
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(Testimony of Charles Duarte.)

not like Harrison, and Harrison did not like him. The rest of the Stewards took the same position, that they did not want to take the case any further. I then immediately came back to my office and filed a grievance slip, which is a notification to appear before the Grievance Committee. I charged them on the Grievance Committee slip with conduct unbecoming stewards. They attended the next Grievance Committee meeting, at which time the whole case was threshed out, and were reprimanded by the Grievance Committee for their actions.

Following this we had a meeting with the Employer, the Union taking the position that the man was unjustly discharged, the Company taking the position that he was justly discharged, and the next step was to be arbitration.

In the interim between the meeting of the Grievance Committee and the question of going to arbitration, which, under our organization, means we must first get approval of the Executive Board, Brother Harrison then went to work as a long-shoremen in ILWU, Local 10, and informed me that he did not want to take his case any further.

Q. About what date did this incident occur?

A. This occurred in '44, I think prior to that—

Mr. Grube: A point of information.

A. (Continuing): I think it was some time the latter part of '44.

Intervener's Exhibit No. 8—Proceedings
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(Testimony of Charles Duarte.)

Mr. Grube: Brother Heide, a point of information.

Chairman Wilson: Just a moment, Brother.

A. (Continuing): I may be wrong. It might have been the first part of '45.

Q. (By Mr. Heide): Is it correct that this incident you referred to was in March or April of 1944? A. That is about right.

Q. Preceding an annual House Meeting of the Colgate-Palmolive-Peet Company employees?

A. I would say that is correct.

Q. Do you recall a grievance in connection with penalty time?

A. There had been some discussion at Peet's, and a series of letters I believe had been written between our office, the Stewards and our attorneys, regarding penalty time. I went out and sat in a Grievance Committee meeting that the Stewards held every Monday with the Employers, and took the position that under the contract the section (which I cannot name) provided that anyone that worked over five hours without a meal was entitled to penalty time, meaning time and a half or the straight time overtime rate, such as the case may be.

At this meeting it was decided that a check should be made of the employees who considered themselves eligible for this penalty time. I made the suggestion at the meeting that one of the Stewards contact the employees in the particular de-

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

(Testimony of Charles Duarte.)

partments, and that we would get these claims and submit them to the Company, and the Company would pay the valid claims, and if there were any claims, if there was any question about it, the Union would take them into the grievance machinery and settle them in that manner.

Q. In both of these cases, these two incidents or grievances you have testified to, were the Stewards involved the Stewards that were previously named, who are Defendants in this trial—

A. Yes, they were.

Q. —at the time that these grievances arose?

A. Right. I just wanted to add one thing.

At this meeting, the Secretary of the Grievance or Bargaining Committee, which consisted of these five Stewards, was Harry Smith, and at this meeting he took it upon himself, on this recommendation that I made, to get this survey so that we could file a claim for our penalty time, because the Company took the position that anyone who had a valid claim and was entitled to their penalty time would be paid, but that because of the fact that there was some confusion regarding who was entitled to it, that everybody was going to make a claim that they would just as soon take the valid cases, pay them, and we could discuss the others. Smith took it upon himself to say that he would follow it up, and to my knowledge, to this day, that survey has never been made, and that survey has never been

Intervener's Exhibit No. 8—Proceedings
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(Testimony of Charles Duarte.)

brought to the attention of the Company and to my knowledge no one has ever been paid the penalty time that they have coming.

Q. Do you recall the occasion in March or April of 1945 when the issue of collecting contributions for the Harry Bridges deportation case came up in the Union? A. I do.

Q. Will you state what happened in connection with that matter?

A. The Union membership unanimously went on record to support the Bridges case, something that they have been doing ever since the first Bridges case.

Previous to this Union meeting, the Stewards Council, representing all of the Stewards, representing all of our people in the various houses, took the same position.

The Chairman of the Stewards Council, at the time this motion was passed, was Frank Marshall, one of the Defendants. There was no opposition, at the Stewards Council meeting, no opposition on the floor of the Union meeting. The collections were based on a voluntary basis, where members could give anything from \$1 to \$50 or \$100, or give nothing. All of the Stewards became active in participating in the Bridges defense, with one shining example of non-cooperation, Colgate-Palmolive-Peet.

The Stewards collected at Peet's—I think Mar-

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shall collected \$21 in toto. None of the other Stewards collected a nickel, it was claimed, or it might have been put in as all the Stewards collected under Marshall.

But, in order to get the drive moving, it became necessary to go out and investigate, and find out what was being done, and we found that the Stewards were actually sabotaging it by refusing to discuss it with anyone, or refusing to attempt to collect any money for the Bridges defense.

The officers sat down and discussed the question, and the people at Peet's who in the past had supported all of the Bridges trials and had supported the Bridges defense fund then set up a committee out there and Brother Bopp, who was not on the Stewards Committee as such, collected \$70, which was an indication to us that the Stewards had not even attempted to carry out the policy as enunciated by the membership or by the Stewards Council, of which Marshall was Chairman. There were other brothers who collected a total of about \$38 to \$40.

This, in the light of the fact that the Stewards as a whole collected \$21, comprising five people, and three other people collected a total of over \$100, brought to our attention the fact that these people were not cooperating and were not going along with Union policy, and when I say "policy" in this instance I mean the mandate of the membership that

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the Bridges Defense Committee should be supported unanimously.

Q. Do you recall an occasion in September of 1944 when the matter of contributions to the National Citizens Political Action Committee came up in the Union? A. I do.

Q. Will you tell what the Stewards at Colgate-Palmolive-Peet did in regard to that matter?

A. The story is practically identical. Marshall, who was still the Chairman of the Stewards Council, sat in with the Stewards Council, and unanimously recommended the voluntary contributions that were put out in receipt form for the National PAC, National Citizens Political Action Committee. These were booklets, were triplicate receipts for donations for members of our Union donating from fifty cents to any sum up to, I believe, \$10,000, where the Smith-Connally Act prevented any more. We did not get any \$10,000 donations.

The Stewards as a group, or the Stewards Council as a group took it upon themselves to act as collectors for this particular campaign, this campaign being the elections in '44, the Roosevelt election, the Stewards as a whole took it upon themselves to be collectors in this particular campaign.

The same story occurred again, where the Stewards refused to cooperate, refused to contact any of the people on the job, although our people at Peet's were 99 per cent behind the Political Action drive

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or the program of the Administration, and were willing and ready to support PAC in electing to Congress those representatives best fitted to represent the workers.

The same thing occurred again, where it was necessary for the officials to contact rank and filers on the job in order to get the message down to the people and to make the collections as such.

Mr. Heide: Mr. Chairman, the next question I want to ask concerns a provision of the contract now in effect between this Union and Colgate-Palmolive-Peet Company. I do not have a copy of that contract here. If we could have just a moment, the Secretary has gone to get the contract.

(Short recess.)

Q. (By Mr. Heide): I have here a copy of the contract with the Colgate-Palmolive-Peet Company. I call your attention to Section 10 in the contract. That sections calls for the setting up of Department Stewards, doesn't it? A. That's correct.

Q. What if anything did the Stewards do about that particular contract provision?

A. Nothing. Normally—to be very technical about it—the Union, through the Stewards, or the Stewards at Palmolive-Peet technically were violating the agreement, because the agreement, under Section 10, "Adjustment Committee," the first paragraph reads:

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“The employer agrees to recognize the Union system of Department Stewards as the spokesmen and representatives of the employees in the departments from which they are elected.”

I was not in on the beginning of this hierarchy of five Stewards representing the entire plant, but it was raised by myself a few times with the Stewards on the question of representation for departments, and the answer that I received was that it was too awkward to have stewards from each department taking up grievances, and that they as a group were Chief Stewards. In reality there were five Chief Stewards.

I made the comparison at the time between this particular contract and the contracts that we have at Palmolive-Peet, Durkees, or any of the big warehouses or industrial plants where we have anywhere from ten to twenty Department Stewards, and from that group of Stewards an Adjustment Committee or a Grievance Committee is elected to represent all of them, thereby giving everyone in the plant an opportunity to air his grievances to his own particular Steward.

They thought this was wrong, that it could not be done.

To further go on with this, I attended a House Meeting in June of last year, at which time a motion was made that all Stewards be elected automatically,

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the five Stewards. There was some argument about it. The motion was defeated and they were nominated separately and elected as the five Stewards representing all of the workers in that particular plant.

Q. The same section of the contract, Section 10, sets up certain machinery for the adjustment of grievances. Do you know whether the Stewards that are defendants in this case utilize that machinery?

A. No. I don't think so, because I know for a fact that there are grievances, or have been grievances that were not satisfactorily reached or concluded, for the reason that they did not follow out the particular contract.

In Paragraph 3 of Section 10 it states:

"If the Department Steward is unable to reach a satisfactory settlement with the foremen, he shall report the matter to one of the Chief Stewards, who in turn will take the matter up with the Superintendent or other authority designated by the Employer. If the Chief Steward does not reach a satisfactory settlement of the grievance, it shall be turned over to the Adjustment Committee for settlement. In case the Employer shall employ an industrial labor relations manager, he shall be consulted in lieu of the Superintendent."

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(Testimony of Charles Duarte.)

It was impossible, practically impossible for the five Stewards, or so-called "Chief Stewards," to follow out the letter of the agreement, because no Department Steward was ever consulted, for the simple reason there were no Department Stewards who could take the arguments in. They met in meetings with the Employer, they sat down, concluding nothing, and I made the statement at one of the meetings that I would refuse to attend a meeting of a committee consisting of five Stewards who were supposed to adjust grievances, where they did not adjust grievances.

The contract as such was never followed out under Section 10 providing for Department Stewards, and the procedure for taking up of grievances and the steps into arbitration, if necessary, if they could not be settled by the Adjustment Committee.

Q. Section 10 also calls for the selection of a Chief Stewards. Did the Stewards at Peet's ever do anything about that?

A. No. The reason for it was, I believe, that none of the five Stewards wanted to trust any of the others, and they simply stated that, "We are all Stewards. We are all Chief Stewards. There will be no one Chief Steward, and we will all be called in on all grievances."

Q. What sort of judgment did the Defendant Stewards use in taking up grievances? That is, did

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they present many phony beefs? Can you give any examples of the type of grievances that were taken up?

A. Well, there were many—what we call “phony grievances”, grievances that had no place before the Management, that could have been settled within the department itself, grievances relative to the question of how many men were working on the job, that could have been settled in consultation with the departments or the people within the departments.

The only comparison I can make, as an official of the Union, is to make a comparison of what happens in some of our other houses where Department Stewards within the department settle the petty grievances within that department, and the Chief Steward in any of these houses is only called in as a last resort before calling in a Business Agent, if he cannot settle the problem.

They went through a whole series of double talk at these meetings, that resulted in nothing concrete for the benefit of the workers involved.

Q. Brother Duarte, you are familiar with the Constitution of Warehouse Union, Local 6?

A. I am.

Q. Does that Constitution provide a means whereby officials of the Union can be brought up on charges of misconduct? A. It does.

A. Did any of the nine Defendants in this case,

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to your knowledge, ever bring charges under the Union Constitution against any official of this Union?

A. None of the Defendants ever brought charges, written charges under the Constitution as provided for, or ever brought verbal charges. By that I mean, ever took the floor at a Union meeting in charging the officers with malfeasance of office, et cetera. They had a right, under our Constitution, to bring written charges, and had the God given right to get up on the floor of our Union meeting and point out, if they had any charges to make, point out the actions of the officers before the entire membership. Neither one of these steps were taken by any one of these Defendants.

Mr. Heide: That is all the questions of this witness.

Chairman Wilson: That is all the questions?

(Witness excused.)

Chairman Wilson: Mr. Heide, will you call your next witness?

Mr. Heide: Pardon?

Chairman Wilson: Will you call your next witness?

Mr. Heide: If there are no questions of the witness from the defense (and I assume there is none), the defense not being here represented, I will call as the next witness Louis Gonick.

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LOUIS GONICK

called as a witness on behalf of the Plaintiff, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Heide:

Q. Will you state your name, your book number and your position with the Union?

A. My name is Louis Gonick, Book No. 0-2343, Business Agent for the Warehouse Union.

Q. Do you know Haynes, Luchsinger, Marshall, Moreau and Smith, former Stewards at Peet's?

A. I do.

Q. How did you come to know them?

A. I came to know them in my capacity as Business Agent, taking up grievances in negotiations with the Company.

Q. Calling your attention to the last of May and the first of June of 1945, did you ask the Stewards to arrange for a meeting of the employees at Peet's?

A. I did.

Q. What was the purpose of the meeting?

A. Well, the purpose of the meeting was to elect new Stewards, or at least to have an election of Stewards to discuss the contract and the negotiations which were there in progress, and to take up any grievances that were in the plant, that usually come out at a House Meeting.

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(Testimony of Louis Gonick.)

Q. On how many different occasions did you ask the Stewards to arrange for such a meeting?

A. I asked them on three different occasions.

Q. What did they ever do about your request?

A. They did not do anything. As a matter of fact, they prevented the Union from calling a meeting. On the first occasion—that was the latter part of May, I approached the Stewards and called their attention to the fact that a House Meeting was due, the last House Meeting having been held about a year before. They asked me what we needed a House Meeting for, and I told them for the reasons I have described, for discussion of negotiations and grievances and election of Stewards. They did not warm up to the idea at all, particularly Marshall and Smith and Haynes, and they stated that there was no need to have a meeting, there were no grievances, everybody was happy and there would be no purpose served in calling a House Meeting.

I called their attention to the fact that the Company had made certain offers in connection with negotiations, and they stated there too that it would not be necessary to have a House Meeting for that, to gain the approval of the membership. All that was necessary was to go around to the various individuals involved, say on the shift differentials, and the women's pay, and ask them if they approved.

I told them that this was no way—that in a matter of this sort the whole house has to have a dis-

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(Testimony of Louis Gonick.)

cussion on it, and either accept or reject the proposals, and Marshall told me that that was unnecessary, that the men would be satisfied with anything that they got, and there was no need to discuss it any further.

However, I still persisted and stated we should have a House Meeting, and they said, "Well, we will discuss it further."

Q. Did you ever furnish the Stewards with a notice of meeting, and ask them to post it?

A. Yes, I did that, too.

Q. What did they do about it?

A. Well, they never posted it, but, preceding that meeting, that is about two weeks after my first approach to them, I asked them again whether they had thought the thing over, and whether they would have a meeting, and they said, "Well, maybe."

So, I asked them again. I asked them whether they would get the hall, rent the hall and make all the arrangements. They said that they would.

About two weeks later I came back again. I said, "Have you made the arrangements?" They informed me that they had forgotten all about it.

So, at that point I informed them that I would make the arrangements—that the Union would make the arrangements themselves, and asked them what they thought would be a satisfactory time to have a meeting.

So, they informed me that it would be impossible

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to have a meeting without three weeks' notice. I thought this was rather strange, because we frequently call House Meetings on 48-hour notice. They told me that it would take at least three weeks to inform the members in the plant about a meeting. However, the arrangements were made to rent the hall on University Avenue, the Finnish Hall, and a notice was given them for posting.

I asked them whether they would post the notices. They said they would. I gave the notices to Marshall. Two of the other Stewards were present. I went around in the plant, came back again and asked each Steward, I said, "You know you have your notices for a meeting. You will see that they are posted."

They informed me that they would see that they were posted.

The notices were never posted.

Q. Calling your attention to July 30 of 1945, did the Stewards call a meeting on that date?

A. A meeting was called—that is Monday, isn't it? There was a meeting called for another group that was organizing.

Q. Let me ask you this question. If I understand your answer, a meeting was called by the Stewards, is that correct, on that day, and if so, was that meeting authorized by the Union?

A. No, there was no—there was a meeting called that was not authorized by the Union.

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(Testimony of Louis Gonick.)

Q. Did the Stewards post notices of that meeting? A. Yes, they did.

Q. I hand you a paper and ask you if this is one of the notices posted.

A. (After examining): Yes. That is the notice.

Mr. Heide: I would like to introduce this as the Prosecution's Exhibit No. 4.

Chairman Wilson: It will be received.

(Copy of notice of meeting was received in evidence and marked Plaintiff's Exhibit No. 4.)

The Witness: In connection with this notice, this notice was posted on Saturday afternoon, calling for a meeting, I believe on Monday, which was far less than the three weeks that it was necessary to notify members.

Q. (By Mr. Heide): In other words, it did not require three weeks in this case to notify the employees in advance of a meeting?

A. That's correct.

Q. Do you recall when the Stewards Council meetings were changed and the Stewards Council was amalgamated with the Executive Board and became the Executive Council of the Union?

A. I recall the occasion. I don't recall the exact date at the moment.

Q. Were Stewards under a duty to attend those meetings? A. They were.

Q. That is, either of the Stewards Council or the Executive Council, as it is now constituted?

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(Testimony of Louis Gonick.)

A. That's correct.

Q. Did the Stewards at Peet's, the former Stewards at Peet's who are Defendants in this case attend the meetings of the Executive Council?

A. At the beginning Marshall attended, and Smith. Marshall was elected as the Chairman, and Smith as the Secretary. They went to one or two meetings, and then they failed to come any more.

Q. Was their attendance necessary to the efficient and proper discharge of their duties as Stewards?

A. Yes, it was. The Stewards Council meeting is the one place where the Stewards get together with the Executive Board, discuss and determine policies and provide means for carrying them out. Unless they attend the Stewards Council meetings, they are in effect divorced from the Union and the Union policy, to a large degree, particularly with these Stewards who neither attended the Council meetings or the membership meetings.

Q. When you refer to these Stewards Council meetings, you mean the combined meetings of the Executive Board and Stewards Council, which is called in the Union the "Executive Council"?

A. That's correct.

Q. What was the practice of the former Stewards at Peet's in regards to attending general membership meetings of the Union?

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(Testimony of Louis Gonick.)

A. Well, none of the Stewards or—pardon me, will you repeat that question again?

Q. What was the practice of the Stewards at Peet's who are Defendants in this case in regard to attending the general membership meetings of the Local Union?

A. All the Stewards but one have not been to a membership meeting for many months. They had obtained excuses for themselves for not attending these meetings. Of course, they were authorized also to issue excuses to others. However, they themselves did not go, with the exception of one.

Q. Are you familiar with a grievance that came up at the Colgate-Palmolive Company plant involving a Negro member of the Union named Ulysses Norman, and a white member named Andy Nigro?

A. I am.

Q. Did the Defendants, Frank Marshall and William Sherman, have anything to do with that particular case?

A. They did.

Q. What was their part in that case?

A. Well, I will have to outline the whole thing, more or less.

In 19—at least, this last year, a Negro member was in the dressing room at Peet's when another member came in, a white member, and he stated in the presence of this Negro that, "There are too many Negroes in the Union, and the quicker we get them out of here the better"

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(Testimony of Louis Gonick.)

He did not say "Negro." He said a more derogatory term, and he used other expressions.

The Negro member cited him—cited the white member before the Grievance Committee for having violated the no-discrimination pledge. Frank Marshall and Sherman came to the Grievance Committee to defend the white member, whose name I believe was——

Q. I stated the name. Ulysses Norman was the Negro member. The white member's name was Andy Nigro.

A. Yes. And, their contention there was, when they stated in most positive terms that they had a right to use any language they wanted to, that saying a thing did not constitute discrimination; an overt act was necessary. They brought out Webster's Dictionary to prove that "discrimination" means some overt act, that one could say anything one pleased, no matter what the consequences of that language were.

Q. I ask you, was there a Union rule adopted by vote of the membership that anyone found guilty of expressing race hatred or prejudice because of race, color, creed, sex or political opinion would be subject to a fine not less than \$25?

A. That's correct, and it was brought out on the Union floor many, many times.

Q. When this case was discussed at the Union meeting, the Defendants, Sherman and Marshall,

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(Testimony of Louis Gonick.)

also spoke and took approximately the same position they had in the meeting of the Grievance Committee?

A. They took the same position, yes.

Q. You mentioned William Sherman. Was he formerly an officer of this Union?

A. He was.

Q. What position did he hold?

A. Business Agent.

Q. Can you fix any time or occasion after which he commenced to work against the interests of the Union?

A. Well, I would fix January of 1944 as that time. That is when he was defeated for office.

Q. Will you state in your own words what activities or part he took that served to undermine the Union?

A. Well, this is one example of it. I can cite other examples.

They were along the line that the Stewards were taking, refusal to come to the Executive Board meetings after he was elected, certain statements that he made in the General Executive Board which led one to believe that he was an oppositionist, opposing the Union program, because it was enunciated by officials that he did not like. Many of the concrete things, of course, came out later, when we discovered that he was more or less the brain work behind the opposition group at Peet's.

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(Testimony of Louis Gonick.)

Mr. Heide: That is all the questions of this witness.

Chairman Wilson: You may be excused.

(Witness excused.)

Chairman Wilson: Will you call your next witness?

Mr. Heide: The next witness I want to call is Hack Gleichman.

HACK GLEICHMAN

called as a witness on behalf of the Plaintiff, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Heide:

Q. Will you state your name, book number and your position with the Union?

A. The last name is Gleichman, G-l-e-i-c-h-m-a-n; Hack, H-a-c-k. Book No. 0-3499. Field Representative, Local 6, Oakland Division.

Q. Are you acquainted with the products manufactured by the Colgate-Palmolive-Peet Company plant in Berkeley? A. I am.

Q. Were they engaged in the manufacture of any war materials on or about the 1st day of August, 1945? A. Yes, they were.

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(Testimony of Hack Gleichman.)

Q. What were those materials?

A. Glycerine.

Q. Did a stoppage of work occur at the plant on or about August 1st? A. It did.

Q. To what extent, if any, was the production of war materials affected by that walkout?

A. Well, I couldn't say exactly how many thousands of gallons of glycerine, but I know it was materially affected, because the Navy was beginning to squawk about the situation.

Q. It stopped the manufacture of glycerine at the plant? A. Glycerine, yes.

Q. How long did this stoppage last?

A. About three days.

Q. Was the walkout authorized by Warehouse Union, Local 6? A. It was not.

Q. What was the policy of Warehouse Union, Local 6 in regard to strikes or stoppages in war-time?

A. Local 6 had a No-Strike pledge which had never been broken during the entire war period.

Q. Did you make any investigation as to who were the leaders in that unauthorized strike?

A. Well, in my work I was in a position to know who was.

Q. Can you name those leaders?

A. Sherman, Lonnberg, Olsen and one more.

Q. You say one more?

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(Testimony of Hack Gleichman.)

A. There were four that I know of in that situation.

Q. Was the other one that you refer to the Defendant Thompson?

A. Thompson, that's correct.

Q. Were you acquainted with the former Stewards, Haynes, Luchsinger, Marshall, Moreau and Smith? A. I was.

Q. What was their attitude with reference to the Union's program of political action?

A. Well, they were not very enthusiastic about it, because in my activities with them, whenever we asked them to take some concrete step for developing the policy, whether it be on maintaining the price ceilings under OPA or breaking the Little Steel Formula, or going for an increase in wages across the Board, which was our position at the time, they just would not participate.

Q. Do you recall an occasion when the Union asked the Stewards to circulate petitions in the plant for repeal of the Little Steel Formula and for a 20 per cent wage increase?

A. Yes. As a matter of fact, around the time—a couple of weeks before this notice of their special meeting was put up, I remember telling them about this program, because they were talking about improving conditions around there, and I pointed out that our problem was a similar problem to those of our workers all over the area and throughout the

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(Testimony of Hack Gleichman.)

country, and that what we were trying to do was to break the Little Steel Formula first, then, through the War Labor Board, we would be able to get more money for our people, and as a result of that discussion I said that I would mail to each one of them a few petitions which had just been put out by the National CIO, and that I would mail them to their homes so that they could get them as quickly as possible, and that when I came out there in a few days from then, I would pick them up. Each one I think contained—had room for around twenty signatures. That would mean each one could get about sixty, which would about take care of the plant.

I did that, and when I went back there a few days later, not one of them had done a thing about it. As a matter of fact, one of them, Moreau, said that he thought that this was not what we were supposed to do, that what we were going to do was go for more money, and I explained to him that you could not go for any more money unless you broke the Little Steel Formula, and the attitude of the rest was just that—was just that it was unimportant, so they either left the letters home or tore them up, or something. Petitions, rather; not letters.

Q. Did the former Stewards ever oppose the Union's program in regards to the OPA?

A. Well, their attitude on OPA was right along the same lines of their attitude toward Little

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(Testimony of Hack Gleichman.)

Steel, breaking the Little Steel Formula, expressed at that time that I spoke to them about the petitions. They did not think that the fight that we were making to retain whatever we could of OPA regulations with regard to consumer's goods especially, was anything that we should waste too much time about. As a matter of fact, they said—I don't remember just which one of the five said it—but it was stated that, "Political action is all right, but we do too much of it."

Q. I show you seven papers here, entitled "Progress Report", bearing the dates of August 7, August 13, August 31, September 5, September 8, September 12 and September 15, and ask you if you can identify them.

A. (After examining): I can. These are reports put out by the spokesmen for the AFL Chemical Workers.

Q. The Defendants in this case?

A. Yes. They were taking the leadership in this activity.

Mr. Heide: Mr. Chairman, I would like to introduce these as evidence in this case, as the Prosecution's Exhibits 5A, 5B, 5C, 5D, 5E, 5F and 5G.

Chairman Wilson: Is there any objection? (No response.)

If not, the exhibits may be received in evidence.

(Copies of Progressive Reports dated respectively August 7, 1945, August 13, 1945, August

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(Testimony of Hack Gleichman.)

31, 1945, September 5, 1945, September 8, 1945,
September 12, 1945 and September 15, 1945
were received in evidence and marked Plain-
tiff's Exhibits 5A through 5G respectively.)

Mr. Heide: That is all the questions of this
witness.

(Witness excused.)

Mr. Heide: I would like to call now Chuck
Grube.

CHARLES GRUBE

called as a witness on behalf of the Plaintiff, being
first duly sworn, was examined and testified as
follows:

Direct Examination

By Mr. Heide:

Q. Will you state your name and occupation,
and your book number?

A. My name is Charles Grube, G-r-u-b-e, Book
No. 9-1869, classified as a Foreman at Colgate-
Palmolive-Peet.

Q. Are you acquainted with the strike that took
place at Peet's during the first part of August?

A. Yes, sir.

Q. What effect did the strike have on the Com-
pany's production of materials for the Armed
Forces?

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(Testimony of Charles Grube.)

A. Well, they kind of cut it down during the war. We was down to zero during the war. We had that war contract to put out, and they lost glycerine that was vital to war products. I say practically a week—we lost practically a week. I can't say a week, but we lost—we had to work overtime to make it up.

Q. You lost considerable production as a result of the strike?

A. That's right, on dynamite glycerine.

Q. Do you know who the ringleaders of this strike were? A. Yes, sir.

Q. Will you name them?

A. Yes, sir. Miller, Sherman, Ed Thompson, Linc Olsen, Frank Marshall, and that is all. That's the ringleaders. They coerced the rest of them into doing it.

Q. Did you attend the rump meeting that was called at the Finnish Brotherhood Hall on July 30, 1945? A. I did.

Q. Who were the leading figures at that meeting?

A. Ed Thompson, Linc Olsen, Harold Lonnberg, Bob Ashworth. They was the ringleaders.

Q. Sherman?

A. Sherman was the chairman.

Q. Sherman was the chairman of that meeting?

A. That's right.

Q. Were any charges of misconduct against offi-

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(Testimony of Charles Grube.)

cials of Warehouse Union, Local 6 made at that meeting?

A. There wasn't—there was—yes, misconduct, but it was mostly stealing was brought up at that time. That comes under misconduct.

Q. Who made the charges?

A. Bill Sherman and Ed Thompson.

Q. What were they?

A. That Heide took money from the PAC and put it in his own pocket for traveling expenses.

Q. When you say "PAC", what do you mean?

A. P.A.C. [37]

Q. What else?

A. What else? Well, they were going to raise the dues in order to make more money for the CIO. The CIO was practically broke, and they was going to raise the dues, and CIO was stealing from one pocket—in other words, Paul was stealing from Paul to pay Simon, or whatever it is. They was just taking from one pocket in the other, to make it up, and we hadn't had a financial statement for the last four months.

Q. Were there any discriminatory statements made concerning the officials or other members of the Union, regarding their political affiliations?

A. Yes. It was claimed that there was no more "Communism" in this Local, that it was "Heideism," that Communism was a thing of the past, and now it was "Heideism", that Sherman was Busi-

Intervener's Exhibit No. 8—Proceedings
Before Warehouse Union—(Con't)

(Testimony of Charles Grube.)

ness Agent of this Local, and that Heide was squawking in the office, and beating down Sherman's throat, that he should listen to his way of thinking. There was no more Communism; it was all "Heideism" from now on. Heide was the big shot.

Q. Was anything said about racketeering on the part of Union officials?

A. Right. They said that you—I mean, Paul Heide, "Chilly" Duarte, was racketeering. Paul Heide was running this Union for his own advantage.

Mr. Heide: That is all the questions of this witness.

Chairman Wilson: Are there any objections?
(No response.)

If not, the witness may be excused.

(Witness excused.)

Mr. Heide: The next witness is Charles Leacock.

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CHARLES W. LEACOCK

called as a witness on behalf of the Plaintiff, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Heide:

Q. Will you state your name and your Union——

A. Charles L. Leacock.

Q. ——Union Book number?

A. Union Book No. 0-126.

Q. And your occupation?

A. Maintenance man.

Q. At Colgate-Palmolive-Peet Company?

A. Yes.

Q. Calling your attention to the walkout which occurred at the plant on or about August 1st of this year, were you present the day of that walkout?

A. Yes, I was.

Q. Did you hear anyone agitating for a strike on that day, or prior to the day the strike occurred?

A. Prior to the day of the strike.

Q. Who was it? A. Ed Thompson.

Q. Anyone else?

A. And Marshall, Luchsinger, and "Monroe"—
or, Moreau; that's his name.

Q. Stanford Moreau? A. Yes.

Q. Were you present at the rump meeting which

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(Testimony of Charles W. Leacock.)

was called on July 30, 1945, at the Finnish Hall in Berkeley? A. Yes.

Q. Did you hear anyone in that meeting attacking officials of this Union?

A. Absolutely.

Q. Will you state in your own words what was said, as you recall it, and who said it?

A. Sherman was the Chairman, and Mr. Thompson at the time was the spokesman, relieved by Mr. Lonnberg, who stated that the "Heideism" of Local 1-6 was in progress. They accused officials and executives of this Union as racketeers and looting the treasury of Local 1-6. And, I sat there and listened.

Q. Did you hear any "Red-baiting", or remarks about the political affiliations of any of the officials or members of the Union? A. Yes, I did.

Q. Will you state what you heard?

A. In the discussion of the Union that afternoon, which personally I didn't get heads or tails of it, becaues from what I, in my own common knowledge, never had anything to work on, they couldn't finish the sentence, and the gentleman got so exhausted that he had to call for some help, and the officials of this organization and the action of the operation of this Union was hit from stem to stern. In other words, you were doing everything but the right thing.

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(Testimony of Charles W. Leacock.)

Mr. Heide: That is all the questions I have of this witness.

Chairman Wilson: That is all.

(Witness excused.)

Mr. Heide: I would like to call Pauline Goulart.

PAULINE GOULART

called as a witness on behalf of the Plaintiff, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Heide:

Q. Will you state your name and Union Book number?

A. Pauline Goulart, G-o-u-l-a-r-t, O-W177, and I am a machine operator at Colgate-Palmolive-Peet.

Q. Calling your attention to the walkout that has been referred to in previous testimony, which occurred on or about the 1st day of August, were you present on the day of that walkout?

A. I was.

Q. Did you hear anyone urging the employees to walk out?

A. Yes. I was operating one of the machines, and Ed Thompson came over to the machines on the whole unit, and told us to shut off our machines.

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(Testimony of Pauline Goulart.)

He just said, "Shut down those machines." He told us that they were having a meeting.

Mr. Heide: That is all.

(Witness excused.)

Mr. Heide: Mr. Chairman, I would like to ask for a recess of five minutes at this time.

Chairman Wilson: If there is no objection, we will recess for five minutes.

(Short recess.)

Chairman Wilson: Come to order, please. We will proceed with the case.

Mr. Prosecutor, do you have any more witnesses?

Mr. Heide: Mr. Chairman, I would like to take this opportunity to point out that we called a number of witnesses, but I do not wish to call them at this time. I think that the case is complete. I would just like to say that we thank them for being present here, and we are sorry that they were troubled to come down here.

We will not call any more witnesses.

Chairman Wilson: Does anybody wish to say anything on behalf of the Defendants? If so, they will have the right to have the floor. (No response)

Mr. Silas Hansen: Mr. Chairman, it strikes me as though the Defendants, the same as any other defendants, have a right to be heard. How we are going to do it, I don't know. However, it looks as though they don't want to be heard. If the ma-

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jority considers it advisable to again attempt to get them together, I think it should be done. However, that might not be the consensus of opinion. That is my personal feeling, that they should be heard, but it is quite obvious that they don't want to be heard.

I think that is about all I can say on that.

Chairman Wilson: Does anyone else have anything to say? (No response)

We will take the case under advisement. Our decision will be presented at the next regular membership meeting, as provided in the Constitution.

At this time I will bring this meeting to a close. The case is now closed.

(Whereupon at 4:00 P.M., Wednesday, October 3, 1945, the hearing in the above-entitled matter was closed.)

INTERVENER'S EXHIBIT No. 9

Before: Warehouse Union, Local 6, International
Longshoremen's & Warehousemen's Union

In the Matter of

WAREHOUSE UNION, LOCAL 6, INTERNATIONAL
LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, CIO,
Plaintiff,

vs.

MANUEL ALEGRE, TERRY ANDERSON,
ROBERT ASHWORTH, TOMMY AZEVEDO,
VINCENT BARBONI, ANN CERRATO,
FELIX DENKOWSKI, HENRY GIANNARELLI,
HENRY HELLBAUM, MARTIN HEPPLER,
GLEN HIXON, WILLIAM HOWARD,
ALDEN LEE, MANUAL MUÑOZ, KAY NORRIS,
INA PAIGE, K. PERIERA, JOHN PERUCCA,
MIKE RAMIEREZ, CALIXTO RIGO, OPHELIA REYES,
F. L. RICHMOND, ROSE ROS, MANUEL SOUZA,
NICK TATE, GENEVIEVE YOUNG, ALBERT ZULAICA,
Defendants.

Green Room, Warehouse Union, Local 6,
158 Grand Avenue, Oakland, California

December 17, 1945. 8:30 P.M.

Before Trial Committee:

P. Lind, Chairman.

M. Pavalini.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Joe Quartarola.

J. Silva.

M. Frietas.

Appearances: On Behalf of the Plaintiff: Charles Duarte, Business Agent, Warehouse Union, Local 6, 158 Grand Avenue, Oakland, California.

Present: Ray Heide, International Representative, International Longshoremen's & Warehousemen's Union.

Emma Stanley, Office Secretary, Warehouse Union, Local 6, I.L.W.U., CIO.

PROCEEDINGS

The Chairman: As the Chairman for the Trial Committee, I will now call the meeting to order.

The first thing we will have to do is to appoint a Sergeant-at-Arms. I will ask Fred Fields to take over.

Will Miss Stanley please act as Clerk for the Trial Committee?

Miss Stanley: Yes, I will.

Mr. Anderson: Mr. Chairman, may I have a word before you get into the trial?

There are some of us here who don't want to stand trial under the present charges. We have prepared a statement which Kay Norris is going to read. There are some of us who want to stand trial tonight. So, those of you who want to stand trial can remain, but after the statement is read, those who don't want to stand trial may leave.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Mr. Duarte: Mr. Chairman, my name is Charles Duarte, acting as Prosecutor in this case.

I would like to suggest that the people who have a statement to make wait until that order of business which provides for a plea, and at that time have the statement read, with the names of the people that, I suppose, are signed to it. I think that would be the appropriate time to present the statement as such.

Mr. Howard: We want an opportunity to read it before the trial starts.

The Chairman: We will now proceed.

The Clerk will read the Bill of Particulars given to the defendants.

The Clerk: This represents a Bill of Particulars sent to the following people:

Manuel Alegre	Kay Norris
Terry Anderson	Ina Paige
Robert Ashworth	K. Periera
Tommy Azevedo	John Perucca
Vincent Barboni	Mike Ramierez
Ann Cerrato	Calixto Rigo
Felix Denkowski	Ophelia Reyes
Henry Giannarelli	F. L. Richmond
Henry Hellbaum	Rose Ros
Martin Heppler	Manuel Souza
Glen Hixon	Nick Tate
William Howard	Genevieve Young
Alden Lee	Albert Zulaica
Manuel Munoz	

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

This is dated December 3rd. It reads:

“You are hereby informed that the trial on the charges filed against you, of which you have already been notified, will be held on Monday, December 17, 1945, at 8:00 P.M., in the Green Room at 158 Grand Avenue, Oakland, California.

“In accordance with the request of several of the defendants for a Bill of Particulars, we have consulted the members who filed the charges and hereby advise you that the sole issue at the trial will be your alleged participation in an unauthorized strike in wartime, contrary to the I.L.W.U.'s No-Strike pledge.

“If you wish to plead guilty to this charge and waive trial, you may sign the enclosed ‘Plea of Guilty and Waiver of Trial.’ Under the heading ‘Reasons for exercising leniency in my case’ you may state any reasons which you think excuse or lessen your offense. This information will be taken into consideration by the Trial Committee in determining your case. The enclosed stamped, self-addressed envelope may be used in returning the plea.”

It is signed by Paul Heide, Vice-President.

Attached to this letter is a “Plea of Guilty and Waiver of Trial,” which says:

“Receipt is acknowledged of a copy of the charges filed against me under the constitution

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

and by-laws of Warehouse Union, Local 6, I.L.W.U. I hereby waive trial upon each and all of the said charges and enter a plea of Guilty to the charge of having engaged in an unauthorized strike in wartime, contrary to the I.L.W.U.'s No-Strike pledge. I hereby submit myself to the verdict of the Trial Committee and request that it exercise leniency in my behalf."

Then there is a place for the date and the signature, and "Reasons for Exercising Leniency" in the case of whoever signed the letter.

The Chairman: You have all heard the Bill of Particulars.

I will ask the Clerk to call the names of the Defendants. When your name is called, you will answer "Present," and then state whether you are guilty or not guilty.

The Clerk: Manuel Alegre.

Mr. Alegre: Not Guilty.

The Clerk: Terry Anderson.

Mr. Anderson: Not Guilty.

The Clerk: Robert Ashworth.

Mr. Ashworth: Not Guilty.

The Clerk: Tommy Azevedo.

Mr. Azevedo: Not Guilty.

The Clerk: Vincent Barboni.

Mr. Barboni: Not Guilty.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

The Clerk: Ann Cerrato.

Miss Cerrato: Not Guilty.

The Clerk: Felix Denkowski.

Mr. Denkowski: Not Guilty.

The Clerk: Henry Giannarelli.

Mr. Giannarelli: Not Guilty.

The Clerk: Henry Hellbaum.

Mr. Hellbaum: Present. Not Guilty.

The Clerk: Martin Heppler.

Mr. Heppler: Not Guilty.

The Clerk: Glen Hixon.

Mr. Hixon: Not Guilty.

The Clerk: William Howard.

Mr. Howard: Not Guilty.

The Clerk: Alden Lee.

Mr. Lee: Not Guilty.

The Clerk: Manuel Munoz.

Mr. Munoz: Not Guilty.

The Clerk: Kay Norris.

Miss Norris: Not Guilty.

The Clerk: Ina Paige.

Miss Paige: Not Guilty.

The Clerk: K. Periera.

Mr. Periera: Not Guilty.

The Clerk: John Perucca.

Mr. Perucca: Not Guilty.

The Clerk: Mike Ramierez.

Mr. Ramierez: Not Guilty.

The Clerk: Calixto Rigo.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Mr. Rigo: Not Guilty.

The Clerk: Ophelia Reyes.

Miss Reyes: Not Guilty.

The Clerk: F. L. Richmond.

Mr. Richmond: Not Guilty.

The Clerk: Rose Ros.

Miss Ros: Not Guilty.

The Clerk: Manuel Souza.

Mr. Souza: Not Guilty.

The Clerk: Nick Tate.

Mr. Tate: Not Guilty.

The Clerk: Genevieve Young.

Miss Young: Not Guilty.

The Clerk: Albert Zulaica.

Mr. Zulaica: Not Guilty.

The Chairman: I want to inform all of the Defendants that they have a right to be represented at this trial by a member of this Union, and only by a member of this Union. If you have such a representative, please state his name and book number for the record.

Do you have anybody you want to represent you at this trial?

Mr. Anderson: We can't understand you.

Voices: No. No. Explain yourself.

The Chairman: I want to inform all of the Defendants that they have a right to be represented at this trial by a member of this Union, and only by a member of this Union.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Miss Norris: We cannot understand him.

Mr. Howard: You have a right to be defended by a member of the CIO, if you will state his name and book number.

Miss Norris: I can't understand him.

Mr. Duarte: Mr. Chairman, may I ask that the Court Reporter read back the statement that the Chairman made?

(Record read.)

Miss Norris: Thank you.

The Chairman: The Prosecutor will now proceed with the case.

Mr. Howard: Mr. Chairman, may we present our statement now? We are all through with the business part of this trial, I guess.

Mr. Duarte: We have no objection.

The Chairman: It is up to the Prosecutor to call for the first witness.

Mr. Duarte: We have no objection to your introducing a statement, if you wish to do so, on behalf of some of the people.

Miss Norris: "We are appearing here only for the purpose of protesting against and taking exception to the trial of whatever charges may have been preferred for the following reasons:

"1. We have never received a copy of the charges, if any, upon which this trial is to be held, as required by Section 7, Article XV of the Constitution and By-Laws. The first so-called notice sent

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

out consisted only of a letter from the vice-president, stating that charges had been filed. No copy of the charges was enclosed.

“The next so-called notice was again a letter from the vice-president, which likewise did not enclose a copy of any charges. The only reference to the nature of any charges contained in the second letter was a paragraph which stated the nature of the ‘issue’ as a matter entirely different from that indicated in the previous letter. The second letter, likewise, failed to specify the Section of the Constitution, Declaration of Principles, or By-Laws alleged to have been violated. Not having seen the charges, we are unable to state whether the charges specify the Section alleged to have been violated. They are, therefore, invalid and void since they do not comply with Section 4, Article XV, of the Constitution and By-Laws.

“2. We understand, and so state, that Section 6, Article XV of the Constitution and By-Laws, requiring a Trial Committee to be selected at the next regular meeting following the filing of the charges, has not been complied with.

“3. We maintain that these proceedings are wholly illegal and void for the further reason that they were not instituted, and are not being carried through, in good faith and are unfair and prejudicial, in that only a few of the men who could be made the subject of similar alleged charges have

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

been called to stand trial, and that this attempted trial is not in fact one upon the charges alleged to have been filed, but is being called for some other and unspecified reason, namely, to unfairly and illegally discriminate against and persecute certain members of this union who have acted no differently than the great majority of the other members of the union.

“4. We hereby request that a copy of whatever charges may have been filed be sent to the accused, as required by the Constitution and By-Laws, that the trial thereon be held no sooner than ten days after the charges are mailed, that all the other provisions of the Constitution and By-Laws having reference to these matters be complied with, and that the trial, if any, to be held on such charges be held in good faith, that all members who were guilty of the acts complained of be charged and brought to trial, and that discrimination, prejudice, undemocratic dictatorship and illegality be eliminated from these proceedings.

“Until this is done, we protest against and take exception to the holding of a trial, and we decline and refuse to stand trial.”

Mr. Howard: For those of you who don't want to stand trial, don't think you should stand trial, I think we can be excused now, and those who want to remain for the trial may remain.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Mr. Duarte: I would just like to ask one question, if I might.

I would like to know the people that introduced this. I note that in the statement it says "I am," and then, in parentheses, "(we are)."

What was the Sister's name? Kay what?

The Clerk: Norris.

Mr. Duarte: Kay Norris.

I would like to know whether Kay Norris was speaking for herself or for anyone else, because she read the statement in the plural sense when she said "we are." There is no signature attached to the document.

Miss Norris: Well, "Chile," I think it was for all of us. I believe it is for all of us. I was just asked to read it. I believe it is for all of us.

Mr. Howard: There are some of us who don't want to stand trial. If anyone here wants to stand trial, that is their own business, not mine. But, I for one am going to wait for further charges. I don't think I should discuss that any more right now.

Mr. Duarte: Mr. Chairman, the Prosecution will prove that charges were sent, return receipts were received, and the Constitution lived up to. If the people who have not signed this statement do not wish to stand trial, they have the right to say they will not stand trial. But, I want to point out that

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)
under the Constitution, refusal to stand trial under Section 11 of Article XV reads:

"If the accused fails to appear for trial without an excuse that satisfies the Trial Committee, such failure to appear may be considered by the Committee as a conclusive proof of guilt."

That is the end of Section 11.

Mr. Howard: We have appeared, but we do not mean to stand trial, "Chile."

Mr. Anderson: We have appeared.

Mr. Duarte: If there is no objection, Mr. Chairman, we will proceed with the trial.

Miss Norris: I would like to hear what you people have to say, but yet I don't feel that I want to stand this trial, because I am not guilty. I don't feel that I am.

Mr. Duarte: I want to make two points, Mr. Chairman, (1) that Sister Norris, who just spoke, made a statement that appears in the record, and (2) the last paragraph of the statement reads: "Until this is done, I protest against and take exception to the holding of a trial, and I decline and refuse to stand trial."

I cannot for the life of me imagine anyone making a statement, saying "I refuse to stand trial," and acting as spokesman for a group of people who leave, while the person that read the statement remains.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

I suggest that if the Sister does not wish to stand trial, the Sister be excused.

(Whereupon, certain of the Defendants left the room.)

Mr. Ashworth: I came down because I don't feel that I am guilty of the charges filed against me, and I would like to stand trial, myself. That is what I came for.

Mr. Duarte: Mr. Chairman, I want the record to show that an unsigned statement was read by Defendant Kay Norris, and that, following the statement, certain verbal statements were made.

I want to emphasize once again for the record that the statement introduced is not signed by anyone who left the meeting.

The Chairman: I believe it will be best for us to take a roll call of the people remaining.

The Clerk: Would you stand up and give your name?

Mr. Heppler: Martin Heppler.

Mr. Hixon: Glen Hixon.

Mr. Azevedo: Tommy Azevedo.

Mr. Zulaica: Albert Zulaica.

Mr. Souza: Manuel Souza.

Mr. Periera: K. Periera.

Mr. Ashworth: Robert Ashworth.

Mr. Denkowski: Felix Denkowski.

Mr. Barboni: Vincent Barboni.

Mr. Rigo: Calixto Rigo.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Mr. Lee: Alden Lee.

Mr. Perucca: John Perucca.

Mr. Munoz: Manuel Munoz.

Miss Cerrato: Ann Cerrato.

Miss Ros: Rose Ros.

Miss Paige: Ina Paige.

Mr. Tate: Nick Tate.

The Chairman: Would you people mind moving up closer? It is easier for everybody to understand.

The Prosecutor will now call the first witness.

Mr. Duarte: I will call Emma Stanley.

EMMA STANLEY

called as a witness by and on behalf of the Plaintiff, was examined and testified as follows:

Direct Examination

By Mr. Duarte:

Q. Give your name.

A. Emma Stanley, E-m-m-a S-t-a-n-l-e-y.

Q. How old are you? A. 35.

Q. What is your occupation?

A. Office worker.

Q. Where do you work?

A. Warehouse Union, Local 6, I.L.W.U., Oakland Division.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Emma Stanley.)

Q. Did you mail the original charges that were sent to the 26 people who are defendants here?

A. Yes, I did.

Q. Do you recognize this list of names?

A. Yes, I do.

Q. When did you mail them?

A. I have the records here. May I refer to them? (After consulting documents) August 30th and September 1st. There were two different dates on those letters.

Q. How did you mail them?

A. By registered mail.

Q. To whom did you mail them?

A. To the parties involved, suspended members.

Q. Will you read off their names?

A. Yes. Henry Hellbaum, Calixto Rigo, Tommy Azevedo, Manuel Munoz, Robert Ashworth.

Mr. Ashworth: The first charges I got was through a registered letter. They mailed all the rest of them, I believe, to the wrong address. The first one I got was last week, and I went to the Post Office and picked it up.

The Witness: I have the returns.

A. (Continuing) Nick Tate, Manuel Souza, Bill Howard, Felix Denkowski, Manuel Alegre, K. Periera, Vincent Barboni, Glen Hixon, Alden Lee, Ross Ros, Albert Zulaica, Terry Anderson, Genevieve Young, Ina M. Paige, Kay Norris, Ann

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Emma Stanley.)

Cerrato, Henry Giannarelli, Ophelia Reyes, Martin Heppler, F. L. Richmond.

Q. Did you receive return receipts?

A. Yes, I did.

Q. From whom?

A. May I say that—every one with the exception of three.

Q. Will you name the exceptions?

A. Albert Zulaica, Robert Ashworth and Henry Hellbaum.

Q. Did you also mail out the Bills of Particulars? A. Yes, I did.

Q. When? A. December 3rd.

Q. How did you mail them?

A. Registered mail.

Q. To whom?

A. Manuel Alegre, Terry Anderson, Robert Ashworth, Tommy Azevedo, Vincent Barboni, Ann Cerrato, Felix Denkowski, Henry Giannarelli, Henry Hellbaum, Martin Heppler, Glen Hixon, William Howard, Alden Lee, Manuel Munoz, Kay Norris, Ina Paige, K. Periera, John Perueca, Mike Ramierez, Calixto Rigo, Ophelia Reyes, F. L. Richmond, Rose Ros, Manuel Souza, Nick Tate, Genieve Young, Albert Zulaica.

Q. Did you receive return receipts for these?

A. Yes, I did.

Q. From whom?

A. I will have to read them. Kay Norris, K.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Emma Stanley.)

Periera, Thomas Azevedo, Manuel Munoz, Nick Tate, Felix Denkowski, Vincent Barboni.

There is one I can't read.

Ina M. Paige, Alden Lee, Henry Giannarelli, Ann Cerrato, John Perucca, Henry Hellbaum, F. L. Richmond, Manuel Souza, Ophelia Reyes, William Howard, Glen Hixon, Albert Zulaica, Calixto Rigo, Mike Ramierez, Rose Ros, Martin Heppler.

Q. Were there any you did not receive return receipts from?

A. I did not check this. There was a return on this letter from Calixto Rigo, Genevieve Young and Terry Anderson. Calixto Rigo sent a letter with his return. Genevieve Young's was returned. It does not say why.

"Unclaimed." Excuse me.

Q. May I have a copy of the original charges?

A. You are referring to the original ones?

Mr. Duarte: Yes.

(Witness hands documents to counsel.)

Mr. Duarte: Mr. Chairman, as Exhibit A I will introduce the original charges with the return receipts.

The Chairman: They will be received in evidence and marked Exhibit A.

(Copies of original charges and return receipts were received in evidence and marked Exhibit A.)

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)
(Testimony of Louis Gonick.)

Direct Examination

By Mr. Duarte:

Q. State your name, please.

A. My name is Louis Gonick.

Q. You are an officer of Local 6?

A. Yes. I am the Business Agent for I.L.W.U.,
Local 6, the Oakland unit.

Q. Are you familiar with the Union's position
in regard to strikes in war time?

A. Yes, I am.

Q. What was the position of the Union?

A. The position of the Union was that there
would be no strikes during the war for any reason
whatsoever. The position further was that we were
all out for production to win the war. Penalties
were imposed for absenteeism. Any group of work-
ers outside of our Union that went out on strike
were severely and publicly censored, because we
realized that if any group of workers, particularly
in our Union, walked out, it would set a precedent
for a great many others in our Union in plants
that had accumulated grievances during the war,
which had to wait.

Q. What was the record of the Union locally in
regard to strikes during the war?

A. The Union locally had a 100 per cent record
as far as strikes were concerned, that is, up to the
time that Colgate-Palmolive-Peet walked out.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

Q. What was the record of the Union nationally?

A. It was the same. There were no strikes whatsoever. This is the only strike on our record.

Q. I show you a page out of a newspaper, "The Dispatcher," dated July 13, 1945, and ask you if you recognize that as an official newspaper of the I.L.W.U.

A. Yes, that is correct.

Q. On that page is a resolution dealing with the war effort. I ask that you read Point 1 in the upper lefthand corner of that particular page.

A. "We therefore resolve:

"(1) That we reaffirm our war time No-Strike pledge. The war in the Pacific comes first. The fighting men must receive their weapons and supplies without stint, without interruption or delays of any kind."

Q. I ask you to read now the section in the center of the page, the statement. Will you read the heading, please?

A. It is headed, "A Pledge to President Harry S. Truman and the Nation."

"On behalf of the entire membership of the International Longshoremen's & Warehousemen's Union, we renew and give to President Harry S. Truman and the Nation our solemn pledge that until the war is ended with the unconditional surrender of Japan we will not strike, stop work, or cease or slow production for any reason whatsoever.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

"We reiterate that this is an unconditional pledge, given in the knowledge that our first duty is to our Nation and that, despite provocation, we must take no action that will imperil our Nation or cause the prolongation of the war or cause the unnecessary loss of so much as one Allied life.

"We further make the positive pledge that we will do everything in our power to shorten the war by lending ourselves to intelligent solution of the manifold manpower problems and to the development of all possible means to speed production."

This was adopted unanimously on June 29, 1945, by the I.L.W.U. Executive Board.

Q. Following the meeting of the International Executive Board, was a Resolution No. 1, headed "War Effort," concurred in by the Oakland unit of Local 6?

A. That's correct. It was, on more than one occasion.

Q. Did a strike take place at Colgate-Palmolive-Peet on August 1, 1945? A. Yes, it did.

Q. How long did it last?

A. Approximately three days.

Q. Was that strike authorized by the Union?

A. It was not.

Q. Did the Union attempt to get the strikers back to work?

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

A. Yes, they did. On the day of the strike we publicized a meeting outside of the gate, at which some of the people that were on strike attended, and after that meeting they returned back to work.

We also attempted to get the people on strike to come to our meeting, to come to the hall and explain their position so we could try to influence them. None of them showed up.

At their own meetings we attempted to gain admittance by sending our Local President to the meeting, and also the International Secretary-Treasurer. They were not permitted entrance into the meeting, and they were kept outside.

The Conciliation Department also was in on the scene and informed us that they, too, tried to get admittance, but were not permitted into the meeting.

Q. Were there any war materials then being produced at Peet's? A. Yes.

Q. What were they? A. Glycerine.

Q. Was the production of this glycerine interrupted by the strike?

A. The glycerine plant was completely shut down. The glycerine went out to the war effort.

Q. Did the United States Army and Navy interfere in any way?

A. They were in on the picture, and called the Union to try to get a settlement of the strike.

Q. Do you mean by "settlement," get the people back to work?

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

A. Get the people back to work, that's right.

Q. Was the Union notified that there was going to be a strike at Peet's? A. No.

Q. When the strike was called, did anyone notify the Union that a strike had been called?

A. No, there was no notification whatsoever.

Mr. Duarte: Mr. Chairman, I would like to introduce in evidence page 8 of "The Dispatcher," the official newspaper of the International Longshoremen's & Warehousemen's Union, as Exhibit F.

The Chairman: It will be received in evidence and marked Exhibit F.

(Copy of page referred to from "The Dispatcher," dated July 13, 1945, was received in evidence and marked Exhibit F.)

Mr. Duarte: Are there any questions?

The Chairman: I wonder if this group of people from Palmolive-Peet have somebody they want to select as chairman for the defense of their own case?

Does anyone want to come up and cross examine the witness?

Mr. Heppler: I would like to ask him a question.

Cross Examination

By Mr. Heppler:

Q. How many, approximately, went out on that strike?

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

Mr. Duarte: Mr. Chairman, I object to this.

Mr. Heppler: I just wanted to ask a question.

Mr. Duarte: The objection I raise is that if we are going to call witnesses—and I intend to call a few—and each individual person here rises to ask questions, we will be here until next Wednesday sometime, or adjourn and meet nightly.

I would suggest that one person represent the group and ask any questions and conduct any cross examination you see fit.

Mr. Denkowski: I don't want to ask anyone any questions, but you made a statement that is not correct.

Mr. Duarte: I want to raise an objection again, Mr. Chairman. The group should get someone to represent them. I don't want it to seem that I am trying to cut anybody off. I have no objection to anybody asking questions if there is no cross fire. Under those circumstances, I have no objection to anyone asking any particular question.

The Chairman: That is all right.

Mr. Heppler: I would like to ask a question.

Q. (By Mr. Heppler): Approximately how many went out on this strike?

A. Oh, I don't know the exact number. I imagine it was well over half the plant.

Mr. Souza: 223.

Mr. Perucca: I would like to ask a question.

Q. (By Mr. Perrucca): I was told that there

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

was another strike or work stoppage during the war in a dried fruit plant up in San Jose, to win a point of some kind. Is that true? I think Lynden called them out, or something like that. Is that right?

A. I don't know. I believe that was after hostilities had ceased.

Mr. Perucca: I don't remember the date, but I was told that work was called off during the war up there, to win a certain point of some kind.

The Chairman: Does anyone else want to ask any questions?

Q. (By Mr. Denkowski): You said we went on strike for three days. Did we go on strike for three days?

A. Well, as I recall it, approximately three days. It may have been two and a half days, or between two and a half and three.

Mr. Denkowski: Well, it couldn't be three, because I was called—I didn't know a thing about it—I was called at 11:00 o'clock, and the foreman told me to shut down, because I was blowing soap—to shut down at noon, when we went out at noon, so it must be two and a half days.

The Witness: Well, it may have been two and a half days. I said approximately three days. I remember there were three days in which the workers had walked out. I imagine that even after they

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

came back it took a certain number of hours to start things going, and start the glycerine plant going.

Mr. Denkowski: Well, the glycerine plant was going right along.

Mr. Duarte: Mr. Chairman, I object to this running dialogue that goes on. I think a question should be asked, because we could go on and ask Gonick a million questions, and build something up.

Mr. Frietas: Brother Chairman, may I ask this question?

Why did these people go out on strike? That is what I want to know.

Mr. Ashworth: Brother Chairman, can I speak for myself?

Mr. Frietas: Go ahead.

Mr. Ashworth: I think the biggest majority of the kids sitting here, including myself, didn't understand just what it was all about. The meeting was called. I think approximately 300 people attended that meeting. I, for one, got up on the floor. I told the kids, "Go back to work."

For two days, I think, we were out, and we all went back. Maybe a few stayed out. I wouldn't say that every one of them went back.

Then the kids in my department wanted me as a temporary Shop Steward. The other one was off the job. I think Mr. Gonick here can verify my statement. Once there isn't a Shop Steward in some of those departments, they kind of go haywire.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

While I am talking, I might say something else.

For a year and a half around there, when we held meetings with the Company, there used to be a bulletin of the minutes put on the board at all times. Every member of our Union could go around and read them, see what the meeting was about.

I will have to make this statement, that for the last year and a half out there, there haven't been any bulletins on the board. No one knew what the meetings were about, what they were called for. If you came out there, the only time we knew you were there was when you came out to collect dues, and we handed them to you.

Mr. Duarte: Mr. Chairman, I want to make one objection here, the same objection I will keep making.

The issue before the Committee is not, Why? but, "Was there a strike?" That is what we are trying to prove. Was there or was there not a strike?

Mr. Ashworth: That is what I am asking. You interrupted there, but I will start over again.

That went on for a year and a half. I don't think any of the kids sitting in here actually knew what the score was. Maybe there was a few them, but they was yanked off their jobs here, including myself. I am sure I did not know what the score was, or what it was for. But, I do know that when anything come up, and we asked for a Business Agent to come out there, we was told—I won't mention

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

any names—me, for one, I know I was told a half a dozen times that the Business Agent wasn't in, couldn't be gotten ahold of.

Mr. Duarte: Mr. Chairman, I want to object again on the basis that this kind of discussion relates to the proof that was given in another trial that was held. Those records can be examined by the Committee. The thing we have before us here is not, What was wrong at Peet's? The issue we have here is whether or not these people went on strike. They are charged with going on strike. Period. That is all. Now, did they or did they not walk out on strike? That is the only question we have to discuss here.

The Chairman: That is right.

Mr. Ashworth: Brother Chairman, may I suggest something?

If we are charged with walking out on strike, how about the other 200 that walked out at the same time?

Mr. Duarte: I want to make a point again, Mr. Chairman, that these people are charged with going out on strike.

Mr. Frietas: During the war.

Mr. Duarte: During the war. If three people, three distinct people, murder their grandmother, and two of them are charged with murder and the third is not, that does not give the two the right to

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

say, "I am not guilty because you are not trying a third man."

What we have here to determine is whether or not these people were implicated in a strike. I will keep saying that that is the only charge against them, and that is the only charge we have here.

I think the answer would be, whether or not these people went out on strike. I will object to anyone getting up and making long statements about the history of negotiations, or anything else. I think we should have an answer on whether or not there was a strike at Peet's, and whether or not they went out on strike at Peet's for two and a half days.

Mr. Ashworth: Brother Duarte, I believe I am going to answer the question you just asked, for myself, personally. If that is what you call "walking out on a strike," yes, I attended the meeting personally, myself. I did. But, I did go back to work at the same time the rest of them did, and I never went off the job afterwards. I tried to see that everything went on just as it had been for years. In fact, I helped organize the place in the first place, so I understood the Union very well as far as keeping things in line. I did not do anything against the contract at Colgate's.

As far as trying to be a temporary Shop Steward, if any of the kids had any beef, I went to the boss with it and seen that they stood up to the I.L.W.U. contract; not any other.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

I was yanked off the job one morning when I come in to work thirty, thirty-five days later, handed my suspension papers, and that is all I knew. That is all I have to say.

Mr. Azevedo: His question was, Why did we go out on a strike at Colgate-Palmolive-Peet's?

Is that right?

Mr. Duarte: The question I asked, and I will ask the Chairman to make a ruling on it, is:

Did you or did you not go on strike?

Mr. Azevedo: The question was, Why did we go out on a strike?

Mr. Duarte: I say again, that question, that was asked by a member of the Board, is out of order, because we are here to determine, Was there a strike at Palmolive-Peet's? Did the people here who are defendants walk out on that strike? Were they involved in that strike? That is the question we have to decide here. That is the only question we are here to decide. That is the only charge the people have against them.

I ask the Chairman to make a ruling that the discussion be confined to, Was there a strike? Were these people involved in a strike?

The Chairman: Very well. I make that ruling. Everything that comes up from now on has to pertain to whether you went out on a strike or you did not.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Louis Gonick.)

Are there any more that want to question the witness on the stand?

Mr. Perucca: There is a fellow here who was on a vacation at that time.

Mr. Rigo: I wasn't on the job when the strike took place. I was ten days away. I only read about the strike in the papers. When I came back the strike was over. The strike was called the first of August.

Mr. Duarte: What day did you go on your vacation?

Mr. Rigo: July 23rd.

The Clerk: He might refer to Exhibit E.

Mr. Duarte: It is covered under Exhibit E.

The Clerk: I would like to present this to you.

In the case of these two names, the charges were changed.

Mr. Duarte: Before we go into this, if you are through with Louis, we can excuse him, and then have each one of the people here present their arguments, if they like.

Are there any more questions anyone wants to ask Louis?

(No response.)

(Witness excused.)

Mr. Duarte: Everybody will have a chance to speak their piece.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

Under Exhibit E, the letter states:

“Correcting the Bill of Particulars furnished you by letter dated December 3, 1945, you are hereby notified that the sole issue in your trial will be your fomenting and encouraging a war time strike at Colgate Palm-Olive Peet Company in violation of the I.L.W.U.'s No-Strike pledge.”

The same applies to Manuel Alegre.

Mr. Rigo: I have worked at Peet's for eighteen years, and I have not heard at all about a strike going on there. They never talked about the strike at all. I believe when these people went out for meetings, as they say, it was because the officials of the Union pulled out those nine men. That is the only reason. Therefore, I don't see how I could promote or encourage a strike.

Mr. Duarte: I would like to suggest, Mr. Chairman, that any of the Defendants that want to take the stand can do so on their own, but I would like to call a couple of more witnesses now.

I would like to suggest, as an order of procedure, that I be allowed to call the witnesses, and then any of the Defendants that wish to take the stand and make a statement on their own behalf, or correct any of the things that the witnesses may state, they will then be given the right to do that. I think that will be an orderly procedure. I will

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

present the witnesses for the prosecution, and then allow any and all of the Defendants to take the stand here and make a statement in their own behalf.

At this time I would like to call Brother Hack Gleichman.

HACK GLEICHMAN

called as a witness on behalf of the Plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination

The Witness: Hack Gleichman, G-l-e-i-c-h-m-a-n, H-a-c-k, Field Representative of Local 6.

Q. (By Mr. Duarte): Your book number?

A. 0-3499.

Q. I would like to ask you, Brother Gleichman, as a Field Representative of Local 6, what are your duties?

A. My duties are to assist the Business Agent in whatever work is necessary for me to keep the day to day work running smoothly, to work with the Shop Stewards in the various plants and to carry out the program of the Union generally.

Q. Were you working in that capacity on or about August 1st? A. I was.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Hack Gleichman.)

Q. Did a stoppage of work or a strike occur at Colgate Palm-Olive Peet's on August 1st?

A. It did.

Q. Can you tell us what you know of that particular situation that day, what time the strike occurred, how many people were involved, et cetera?

A. Well, as I recall, those that went out on strike did not return after the lunch hour on that date.

Q. Did you attend a meeting at 4:00 o'clock on Saturday at the gates of the Palm-Olive Peet Company?

A. I did.

Q. Did you speak at that meeting?

A. I spoke at that meeting.

Q. Did any of the people who walked out at noon that day go back to work the following day?

A. Yes, they did.

Q. Did you see any of the Defendants go out on strike that day, or urge any of the workers to join the strike?

A. Well, I saw all the Defendants in my activities, because I had been working at the plant assisting Brother Gonick for many weeks before that time, because of the new agreement coming up, and various Grievance Committee meetings, et cetera. So, I saw all of the defendants.

Q. Did you discuss the bad feature of striking

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Hack Gleichman.)

in war time with any of the people involved, in a group or singly?

A. Well, all through this period I had many discussions with groups and with individuals, and especially several of us—when I say “several of us”, I mean some of the Shop Stewards and myself, sometimes together and sometimes separately, would attempt to discourage such brothers as Alegre and Calixto from participating and encouraging this sort of activity.

Q. Do you know Rose Ros? A. I do.

Q. Genevieve Young? A. I do.

Q. Ina Paige? A. I do.

Q. Were they involved in this strike?

A. They were.

Mr. Duarte: That is all.

Miss Paige: May I ask a question now?

Mr. Duarte: Give your name to the Reporter.

Miss Paige: Ina Paige.

Cross Examination

By Miss Paige:

Q. I would just like him to explain how I was suspended, what happened that day down there, if he remembers me, Ina Mae Paige. I am the one who did not have my book when I entered the plant. If he remembers, I would like to have him tell just how it happened.

Intervener's Exhibit No. 9—Proceedings
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A. I do remember, Mr. Chairman, that this was one of the sisters that participated in the strike. She was one of many that we eventually had to keep out for similar activity.

Q. What did I say that day, and why was I kept out? A. I don't remember that.

Miss Paige: I didn't have any book. They told me to return home and get my book, and then I could go to work. I did so, and when I returned they would not let me go in the plant. That is the only thing they could have against me at all. It may be out of order, but I would just like for them to know how that happened. This is the first time I have ever belonged to a union in my life, and that is the treatment I got.

Mr. Duarte: I don't want to make another objection, but everyone will have an opportunity to come up here and speak.

Miss Paige: That is all right, but I wanted to say that, since my name came up.

(Witness excused.)

Mr. Duarte: I would like to call George Squires.

GEORGE SQUIRES

called as a witness on behalf of the Plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Duarte:

Q. State your name. A. George Squires.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of George Squires.)

Q. Book number? A. Book No. 0-2768.

Q. Were you employed at Colgate Palm-Olive
Peet plant in Berkeley on August 1, 1945?

A. I was.

Q. Did a strike occur on that date?

A. That's right.

Q. Did you see any of the Defendants walk out
on strike that day? A. I did.

Q. Did you see any Defendants urge anyone to
join the strike? A. I did.

Q. Can you give us their names? I have a list.
I will read them off and ask you if you know them.
Kay Norris? A. That's correct.

Q. Ann Cerrato? A. Correct.

Q. Henry Giannarelli? A. Correct.

Q. Manuel Souza? A. Correct.

Q. Mike Ramierez? A. Correct.

Q. Martin Heppler? A. Correct.

Q. Bill Howard? A. Correct.

Q. Glen Hixon? A. Correct.

Q. Alden Lee? A. Correct.

Q. Vincent Barboni? A. Correct.

Q. Felix Denkowski? A. Correct.

Q. F. L. Richmond? A. Correct.

Q. Harry Anderson? A. Correct.

Q. John Perucca? A. Correct.

Q. Nick Tate? A. Correct.

Q. Robert Ashworth? A. Correct.

Q. Manuel Munoz? A. Correct.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of George Squires.)

Q. Tommy Azevedo? A. Correct.

Q. Henry Hellbaum? A. Correct.

Q. All of these people, you state, were part of this strike and walked out on strike at that certain hour on August 1st? A. That's correct.

Mr. Perucca: I would like to ask a question there. You asked if he saw us talking somebody else into going out on strike.

Mr. Duarte: I have not asked that question yet.

Mr. Perucca: I thought you asked that question.

Mr. Duarte: I broke it up in two parts. Let me finish questioning the witness, and then we can go into it. We don't want this haranguing, if we can help it.

Q. (By Mr. Duarte): These people I have just named went out on strike that day, left their jobs?

A. Correct.

Q. Did you talk to any group of them or any individual in this particular group? A. No.

Q. Did you see them urging anyone to join the strike?

A. Only one that I know of, and that was in a department I work in.

Q. Who was that? A. Terry Anderson.

Q. In what way?

A. Well, he was intimidating, telling some of the other brothers that they would see how this thing would come out.

Q. Was he asking them to come off the job?

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of George Squires.)

A. That's correct.

Q. Was Manuel Alegre or Calixto Rigo involved in this strike?

A. Not to my knowledge.

Q. Were they involved in the strike after the strike took place? I mean, if they were not there that day, did they become a part of the strike?

A. No. They were both on vacations.

Mr. Duarte: That is all.

(Witness excused.)

Mr. Duarte: I will call Chuck Grube.

CHARLES GRUBE

called as a witness on behalf of the Plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Duarte:

Q. State your name.

A. Charles Grube. Book No. 0-1869.

Q. Were you employed at Colgate Palm-Olive Peet's on August 1, 1945? A. Yes, I was.

Q. Did a strike occur there?

A. It did.

Q. What time? A. 12:00 o'clock sharp.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Charles Grube.)

Q. Did you see any of the Defendants here leave the job? A. Only one.

Q. Which one is that?

A. Katino Periera.

Q. Did you talk to her?

A. No, I didn't talk to him.

Q. Him, I mean. I am sorry.

Did you see anyone urging anyone to join the strike? A. Not in this group, no.

Q. Did you at any time talk to any of the Defendants here, or those who are not here? Did you at any time talk to any of them after the strike occurred, about coming back to work?

A. No.

Q. Did the Union make an attempt to get these people back to work?

A. They did. They went up on the corners and talked to them.

Mr. Duarte: That is all.

(Witness excused.)

The Chairman: Will the Prosecutor call the next witness?

Mr. Duarte: At this time I would like to bring back the witnesses and ask one question.

I would like to first recall Gleichman, then Grube and Squires.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

HACK GLEICHMAN

recalled as a witness on behalf of the Plaintiff, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

By Mr. Duarte:

Q. To your knowledge, were these Defendants involved in the strike at Peet's?

A. They were.

Mr. Duarte: That is all.

(Witness excused.)

CHARLES GRUBE

recalled as a witness on behalf of the Plaintiff, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

By Mr. Duarte:

Q. To your knowledge, were the Defendants charged here involved in the strike at Peet's?

A. Yes.

(Witness excused.)

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

GEORGE SQUIRES

recalled as a witness on behalf of the Plaintiff, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

By Mr. Duarte:

Q. To your knowledge were the Defendants here involved in a strike at Peet's?

A. They were.

(Witness excused.)

Mr. Duarte: I would like to call Charles Leacock.

CHARLES LEACOCK

a witness called by and on behalf of the Plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Duarte:

Q. Will you state your name?

A. Charles Leacock.

Q. Your book number? A. 0-216.

Q. Were you employed at Colgate Palm-Olive Peet's on August 1, 1945? A. Yes, sir.

Q. Did a strike take place there?

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Charles Leacock.)

A. Yes, sir.

Q. What time? A. 12:00 noon.

Q. Did you see any of the Defendants leave their jobs? A. Yes.

Q. Were the Defendants here present and those not present, to the best of your knowledge, involved in a strike at Peet's? A. Yes, sir.

Q. Did the Union make any attempt to get these people back to work after the strike occurred?

A. They did.

Q. Can you tell us anything about it?

A. Well, in my own words: I went to the meeting that day. I got there around about 12:45. I attended the meeting, and from what I heard, which I was one of them at the time, they wanted to change affiliations. I think it was the next day Local 1-6 representatives came out, and we had a meeting at the plant.

Q. Let me ask you something before you go any further. We are not interested in the question of cause. We are interested in the question of what happened. We want you to start from the time there was a strike.

There have been certain statements made on causes. One statement was made that it was because the Business Agents were not there. The question of causes is not before the Board. It is a question of, Was there a strike or wasn't there a strike?

A. Oh, yes, there was.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

(Testimony of Charles Leacock.)

Q. Now, go on from there.

A. The strike lasted two days and one-half. We went back to work after the two days and one-half, after we heard what the executives from the Union had to say. I for one went to the Hall and I tried to urge these people to go back to work. I was interrupted several times, because they did not care to hear what I had to say, and they went on from then.

Q. How long have you worked at Peet's?

A. About four years and a half.

Q. Do you work day shift or night shift?

A. Night shift.

Q. Were any of the Defendants in here on the night shift?

A. Some of them, alternatively.

Q. If a strike occurred at 12:00 o'clock noon, what time does the night shift go to work?

A. On the graveyard, 11:00 o'clock.

Q. Can you explain to me how a man who goes to work at 11:00 o'clock at night becomes a part of a strike that occurs at 12:00 o'clock in the afternoon?

A. Well, in my common language, the only way I can explain that is if he tried to help contribute to the prolonging of that strike.

Mr. Duarte: That is all.

(Witness excused.)

Mr. Duarte: Mr. Chairman, I would like to ask

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

for about a 5-minute recess before we go on, if there is no objection.

The Chairman: We will take a recess of 5 minutes.

(Short recess.)

Mr. Duarte: Mr. Chairman, I would like to apologize for one omission. That was that before I questioned Miss Stanley, she had not been sworn in. If there is no objection, we will stipulate to the fact that she is what she says she is.

The Chairman: Is there any objection?

Voices: No. No objection.

Mr. Hixon: It has been pointed out that we were off work for two and a half days. I think the majority of us here have agreed to that, that we——

The Chairman: Excuse me. Before you go any further, are you one of the Defendants?

Mr. Hixon: Yes. I sure am.

The Chairman: You will have to take the oath, like the rest of them.

Mr. Hixon: I was just getting this thing over in a hurry.

Intervener's Exhibit No. 9—Proceedings
Before Warehouse Union—(Cont'd)

GLEN HIXON

a witness called on behalf of the Defendants, having been first duly sworn, was examined and testified as follows:

Direct Examination

The Witness: We have talked it over amongst us, and it has been pointed out that we participated in this strike, and if that is what you will charge us with, and if it will help things out any more, we will plead guilty on that charge of participating in that strike.

Mr. Perucca: I don't plead guilty to the charges, because according to what Gonick says, he says any group participating in the strike will be censored as a group, and a lot more than 28 people participated in that thing. I will agree that I walked out with the rest of them.

Mr. Silva: Mr. Chairman, if he knows of any other members who walked out on the strike, charges will be filed against them and they will be brought in.

Mr. Perucca: There were 200 of them.

Mr. Duarte: I will object to this, because under the procedure, the people who are here and those that left who stated they would not stand trial, were charged under the Constitution with being in a strike. The brother here states that he was involved in that strike. That is what we are here to prove, whether or not you were involved in a strike.

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Before Warehouse Union—(Cont'd)

(Testimony of Glen Hixon.)

The Witness: I agree. The morning we was there, that morning, that is what I would plead guilty to, because I did not take part in agitating the strike, but I will admit I walked off the job with the rest of them, and I am willing to plead guilty, and I think the majority of them—they asked me to speak for them—I think they will plead guilty to the charge.

Mr. Duarte: Mr. Chairman, in order to expedite the proceedings, I would like to have each one take the stand and make a statement as to whether or not they are guilty of this charge or not guilty of the charge.

The Witness: That is all right. I just thought maybe if we could plead as a group, it would just help the thing out.

Mr. Duarte: Are you suggesting that we ask each individual one here whether or not they plead guilty to the one charge as to whether or not they went out on strike? Because, a lot of people have gone.

The Witness: Yes, sir, I do.

Mr. Duarte: And your name is——

The Witness: Glen Hixon.

Mr. Duarte: I would like to suggest that the Clerk read the roll and have each Defendant stand up and state whether or not they will plead guilty to the charge of being involved in this stoppage of work.

The Chairman: We have no objection to that.
(Witness excused.)

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The Clerk: We already have Mr. Hixon, is that correct?

Mr. Duarte: Yes.

The Clerk: Martin Heppler?

Mr. Heppler: I plead guilty to going out on the two and a half day's strike.

The Clerk: If you don't mind, I only have the last names. Is it all right to do it that way?

Mr. Duarte: Yes.

The Clerk: Azevedo.

Mr. Azevedo: I don't know whether I was guilty or not, because when we walked out I didn't know we were going out on strike. The reason I walked out was, all our Shop Stewards were suspended from the Union, put out of the plant.

Mr. Duarte: I would like to ask this, Tom. The question we have to decide here tonight is whether or not anyone left that job, struck that job at 12:00 o'clock noon on August 1st, and left the job. That is what we are trying to decide here.

Were you or were you not involved in the strike?

Mr. Azevedo: Yes. I walked off the job for a reason.

Mr. Duarte: Do you plead guilty or not guilty to the charge?

Mr. Azevedo: All right. I am guilty.

The Clerk: Zulaica.

Mr. Zulaica: I plead guilty.

The Clerk: Souza.

Mr. Souza: Yes.

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Before Warehouse Union—(Cont'd)

The Clerk: Manuel Souza?

Mr. Souza: Yes.

The Chairman: Guilty or not guilty?

Mr. Souza: Yes. I want to talk about the stooges. Everybody go out and chased the stooges off the jobs. First they call on the members. That is the way they all go out.

The Chairman: The question here is if you are guilty or not guilty.

Mr. Souza: I am guilty.

The Clerk: Ashworth.

Mr. Ashworth: I am guilty.

The Clerk: Denkowski.

Mr. Denkowski: Yes. I walk out, too. Yes, sure, I plead guilty for walking out.

The Clerk: Barboni.

Mr. Barboni: Guilty.

The Clerk: Rigo.

Mr. Rigo: They way it looks to me, I don't see how I can promote or encourage a strike when I——

Mr. Perucca: He wasn't there.

Mr. Rigo: I wasn't there.

Mr. Duarte: He is charged under another charge.

The Clerk: That is right. I am sorry.
Lee.

Mr. Lee: I plead guilty.

The Clerk: Perucca?

Mr. Perucca: Well, I am guilty from about

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12:00 noon until 8:00 o'clock or 9:00 o'clock the next day.

Mr. Hixon: He was out. That's all there was to it.

The Clerk: Munoz.

Mr. Munoz: Guilty.

The Clerk: Cerrato. Ann Cerrato.

Miss Cerrato: Guilty.

The Clerk: Ros.

Miss Ros: Guilty.

The Clerk: Paige.

Miss Paige: Guilty, I guess. I don't feel that way.

The Clerk: Tate.

Mr. Tate: Guilty.

The Clerk: That is all I have. Is there anybody here that did not plead?

Mr. Duarte: Did we miss anybody's name?

Mr. Periera: K. Periera.

The Clerk: K. Periera.

Mr. Periera: How come that man is down here tonight, when he was up on his vacation at the time of the strike?

Mr. Duarte: The charges against Rigo—Is that the name?

Mr. Rigo: (Nodding affirmatively.)

Mr. Duarte: —are a question of fomenting and encouraging a strike at Colgate-Palmolive-Peet. Are you guilty or not guilty of that charge?

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Mr. Rigo: No, I am not guilty. I can't be.

Mr. Duarte: Very well.

This charge will be taken up, and we will try to prove this brother was engaging in the fomenting of a strike at the Peet plant.

Is that the whole list?

The Clerk: Yes.

Mr. Duarte: There are two separate petitions here. First we have the question of those people engaged in the wartime strike. Second, we have a witness against Brother Rigo.

I suggest that we dispense with the largest group, and that those people who are here who have pleaded guilty to the charge, then——

Is Alegre here?

Voices: No. No, he is not.

Mr. Duarte: He left.

Then I suggest that we take up the question of Brother Rigo. We only have one witness on that particular thing, and the Committee can decide the two issues.

You have one here where a group of workers were involved in a strike, and you have one worker who claims he was not involved in that strike and has other charges against him. So, I suggest we dispense with one and go into the other.

I would like to suggest that if any one member of the group of Defendants wishes to make any

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statement to wind up this case, I will make a closing statement after they do.

The Chairman: The first thing we should find out is if the case is closed, that is, if either side has presented whatever they want to present. That is one thing. We want to find out if the Defendants or the witnesses have any more to say at this particular time. Otherwise, we will proceed.

Mr. Duarte: Pardon me for interrupting, Mr. Chairman, but we have no other evidence to present, except the case of Brother Rigo, which we will deal with separately. The rest of the cases are closed, as far as the prosecution is concerned.

Mr. Gleichman: Mr. Chairman, may I present my testimony now?

Mr. Duarte: No, not yet.

The Chairman: Do the parties wish to present oral arguments? Do the two parties wish to have discussions between themselves? We will give 15 minutes to each side, if you wish to do that.

Mr. Denkowski: For what, Mr. Chairman?

The Chairman: For whatever you may be interested in. If you want to have a discussion between yourselves, we can give you whatever you want; ten minutes, five minutes or fifteen minutes.

Mr. Souza: We all plead guilty.

Mr. Duarte: If there is no objection, I would like to withdraw my first statement on the basis of handling the Rigo case separately, present that evi-

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dence now and then wind up the case all at once. If there is no objection to that, we can do it on that basis.

The Chairman: All right. The Chair will rule that we go ahead that way.

Mr. Duarte: Mr. Gleichman.

HACK GLEICHMAN

called as a witness on behalf of the Plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Duarte:

Q. Two brothers have been charged under the corrected Bill of Particulars, the letter, Exhibit E, dated December 13, 1945, where Brother Rigo and Brother Alegre are charged with fomenting and encouraging a wartime strike at Colgate-Palmolive-Peet Company. Have you any statement or any evidence in support of these charges?

A. Mr. Chairman, on at least four different occasions I spoke to both brothers, Alegre and Rigo, regarding their activities in talking strike before the strike occurred, regardless of whether they were there when the strike took place or not, because in my job, in working with the Stewards and in working with those that were trying to carry out

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(Testimony of Hack Gleichman.)

the program of the Union in this particular plant, I naturally was aware that something was going on, and so I tried to ferret out those individuals who were most active, which I had to do continually from that point on. Both of these brothers were outstanding in their activity prior to the strike, and that, as far as I know, is fomenting a strike.

Mr. Rigo: May I speak on that?

Q. Did they discuss the question of strike with anyone?

Mr. Rigo: May I interrupt that, please?

Mr. Duarte: Wait until I finish, will you?

Q. (By Mr. Duarte): Did they discuss the question of striking against the Union or against the Employer, either one, to your knowledge?

A. Well, the way the thing developed, there was no fine line of demarcation between what kind of strike it was. They were just talking in general terms about striking, and at times they would have an audience of two or three or four, and sometimes they would have an audience of eight or ten. Sometimes I would see it personally, and sometimes I would hear about it and get to it before it was terminated.

Q. Then, in your opinion these discussions of strikes led up to the August 1st incident, where the people walked off the job?

A. Absolutely. They were indulging in what I consider a super-militant attitude on this particu-

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(Testimony of Hack Gleichman.)

lar question of getting the people aroused to taking some kind of overt action which, even to me at the time, I didn't know what was going on. It wasn't until the thing hit that I was convinced that this was what they were out to do. They were leaders in it.

Q. Did you discuss this with either one of the brothers, the question of the action?

A. Sure, I discussed it.

Mr. Rigo: No. That is wrong. He did not discuss it.

The Witness: I have taken an oath, Mr. Chairman, and I will say that I discussed it with the brothers, not once but at least four times, to my knowledge, that their activities were detrimental to the smooth running of the operation at Colgate-Palmolive-Peet.

Q. (By Mr. Duarte): Are you referring to Brother Rigo and Brother—— A. Alegre.

Q. ——Alegre. You state that they did foment or were part of or were engaged in discussing the question of strike action? A. I do.

Q. And that this agitation for strike action, in your opinion, fit into the pattern of the August 1st strike? A. That is correct.

Mr. Duarte: That is all.

Do you want to ask him some questions?

Mr. Rigo: Yes.

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(Testimony of Hack Gleichman.)

Cross-Examination

Mr. Rigo: To tell you the truth, I never see this man until after the strike, after I came back from my vacation. Now, how can I foment or encourage anybody after the strike was done?

The Witness: Mr. Chairman, may I answer that?

The Chairman: Yes, you may answer.

The Witness: All I can say is that I was there from June 18th until right now. As a matter of fact, I was at Peet's today. I am there at least a few times a week. Anybody that has not seen me must be blind. That is all I can say.

Mr. Duarte: That is all the questions I have.

Do you want to ask him any more questions?

Mr. Rigo: Yes.

When was the first time I saw you there? It was when I paid my dues. That was when I came back from my vacation. When I came back from my vacation, that was on the 8th of August, and a week after then you came and collected dues. That is the first time I saw you in there, and I don't see how I can be responsible for encouraging people to go out on that strike.

Mr. Duarte: Let me ask you: What was the first time you met this brother?

The Witness: I would say roughly that the first

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(Testimony of Hack Gleichman.)

time I warned him was about a week prior to the——

Mr. Rigo: No, it wasn't.

The Witness: ——to the strike.

Mr. Rigo: One week prior to the strike, I wasn't there.

The Witness: Well, a week prior to the action of the strike.

Mr. Rigo: I wasn't there.

Mr. Duarte: That is all.

(Witness excused.)

Mr. Duarte: I would like to make a few remarks, if it is in order, under Point 14. We can go back there, Mr. Chairman, where you stated that each side would have fifteen minutes to close the argument, and that the Prosecution would open and close the argument.

I want to say that the Union charges these defendants, with the exception of Rigo and Alegre, with being engaged in a wartime strike. The evidence presented and the stipulations entered into prove that there was a wartime strike.

This Union has a history of militancy that no other Union in the country can match in terms of fighting for job rights, fighting for wages, and, yes, strikes. This Union has a reputation for conducting and bringing to a successful conclusion strikes. But, this Union took an oath during the

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war that there would be no strikes and there were no strikes, with the exception of this strike that occurred at Palmolive-Peet.

The Prosecution maintains that the strike at Colgate-Palmolive-Peet was an action that gave this Union, so to speak, a "black eye" in the history of labor. Our record was 100 per cent during the war, and that record would have maintained its 100 per cent stature if this action had not been taken.

I want to emphasize that whether we deal with our membership as committees, or whether we deal with employees, or the International, or the National CIO, when we make a pledge we have a reputation of maintaining that pledge. If it is a fight for wages, we carry it through with the whole support of our entire Union and International Union, and when we made a pledge that there would be no strikes, we made it, not with our tongue in our cheek, but we made it as sincere trade unionists in attempting to win the war.

That has been the position of this Union since Pearl Harbor and before, that there would be no strikes. Even if this program of no strikes did not meet with the approval of a lot of people in and out of labor, we kept that record faithfully until this particular incident came about.

We ask that the Trial Committee fix the proper penalties for the action of the August 1st strike.

That is all I have to say.

The Chairman: In closing, I have this to say,

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that the Trial Committee, consisting of five members——

Mr. Heide: Just a minute. This is off the record.

(Remarks outside the record.)

The Chairman: Does anybody wish to say something?

Mr. Azevedo: I am still going to insist that the time we walked off the job we did not walk out with the intention of going out on a strike. The reason we walked off that plant was because our Stewards were suspended. After we walked off, we stayed the following day, and they said we were out on strike, but none of us walked out with the intention of going out on strike. There was this question of going out for a little while.

Miss Paige: Absolutely. I feel the same way, because no one is more opposed to a wartime strike than I am, and I don't like to be accused of it.

Mr. Denkowski: I didn't know I was walking out on a strike when the foreman came in at 11:00 o'clock, and I was blowing granulated soap. The foreman comes in and tells me to close. I didn't know a thing about it. The brother just said that none of us attended the meeting, and the brother knows that I did attend the meeting. We were going to elect a Steward. I didn't know a thing about it being a strike. Everybody went, and I went with them. I didn't know a thing about there being a strike. That is all.

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Mr. Hixon: Of course, we cannot plead our ignorance for all of the 21, I will admit that. But, when we went out there at noon it was with the intention of holding a meeting and coming back, but then, after we got into this meeting we was misled to the extent that they did not want to call it a strike. They wanted to call it a continuous meeting, but, as far as walking off, at the time, if I had thought we was going to participate in a strike, I myself did not know that until we got into this meeting, and then, the rest of them, they just stayed out. But, as far as anybody coming through the plant and telling us, "You are going to a meeting," or "You are going out on strike," if it was told, it wasn't told to me at the time.

Mr. Perucca: I would like to make a little speech. I would like to make a statement that when the Trial Committee arrives at their decision, they take into consideration that there was about 300 of us that went out, instead of just 28, and also I was told by a Union member—I believe he knows what he is talking about—that the dried fruit strike, or work stoppage, whatever you call it, was called during wartime. I would like to have you take that into consideration, too.

Mr. Rigo: If these people go out without the intention of going out on strike, how can I be promoting a strike?

Mr. Duarte: If there are no further statements, I would like to close the trial by just hitting on a

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few points. That is, if there are no further statements, because when I have finished, I believe that is the end.

The Chairman: Are there any further statements that anyone wants to make?

Mr. Gleichman: A point of information, Mr. Chairman. May I have it?

The Chairman: Yes.

Mr. Gleichman: That dried fruit strike was after the war, not before.

Mr. Perucca: I am not familiar with it. I was just told that it was so. I don't know.

Mr. Duarte: If there are no other statements, I would like to make one.

1. Continuous meetings, going fishing, prayer meetings, or any other type of meeting during the war that are used or were used to keep workers off their jobs and stop production, was a strike. There are no two ways about it. There were many unions that had prayer meetings that lasted two weeks. There were many unions that had continuous meetings that lasted that length of time. Going fishing was a good example of how some unions struck. But, it was all subterfuge, it was all strikes, and it was a strike, when it got down to the sense of it. People were not working. They just did not go to work. They went to meetings. They did not hold meetings. They struck. It was a strike without pickets.

Any stoppage of work during the war was a

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strike. You could not call it anything else but a strike. Give it any name you want, but it was a stoppage of work, and it was a strike.

The question of whether these people were engaged in a strike or not I think has been clearly shown by their own arguments and by the evidence presented. These people have been charged, these people and these people alone. But, I want to make one point that the Committee should take into consideration.

(1) That when this trial started there was a group of people here who are no longer present, but who left the meeting and refused to stand trial.

(2) That the people that remained did have an opportunity to state whether or not they were or were not engaged in a strike, a stoppage of work, a continuous meeting, a prayer meeting, or whether they went fishing. But, it all boils down to the fact that they were all engaged in a strike and a stoppage of work.

As to the two defendants who are charged with fomenting a strike, the proof I think exists in the fact that one of the brothers so charged left the meeting and refused to stand trial. The other brother remained and stood trial.

The evidence is before the Committee, and I say again that it is now the duty of the Committee, as they are charged by the membership of this Union, to search the record and make their recommendation to the membership.

Mr. Denkowski: Brother Chairman, a point of

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information. I don't know, and maybe I am wrong, but there are quite a few of us—there is only a little group here, not the 200 or so people who went on strike and stayed for two and a half days. There are only a few of us in here, and some way or another we are taking a beating, or something, for the other people. They went on a strike for two and a half days. Why can't we all get punishment, instead of a few?

The Chairman: Does anyone have anything to say?

Mr. Duarte: I just want to reiterate that these people were charged. I want to point out once again that because there were other people who might have been in the same circumstances but were not charged does not excuse the guilt of anyone who was involved in the strike.

I think, Mr. Chairman, that ought to wind up the trial, and we should not get into a cross-fire here between the Defendants, myself and you.

Mr. Heppler: May I state one more thing, if I may?

I would like the Trial Committee to take into consideration that we have been off the job for going on close to four months, also, when they bring in their recommendations to the rank and file.

The Chairman: In closing, we on the Trial Committee of five members will try to come to a conclusion. We will consider both cases, the testimony of the witnesses and of the Defendants, and we will try our very best to come to what we consider

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a fair decision of the issue. It will be presented at the next regular membership meeting, held the fourth Thursday night of this month at the Auditorium.

Mr. Duarte: That is the 27th.

The Chairman: The 27th would be right. This will all be done according to our Constitution.

If nobody else anything more to say, I think we can adjourn the meeting.

(Whereupon, at 10:30 P.M., Monday, December 17, 1945, the hearing of the Trial Committee was adjourned.)

[Endorsed]: No. 11514. United States Circuit Court of Appeals for the Ninth Circuit. Colgate-Palmolive-Peet Company, Petitioner, vs. National Labor Relations Board, Respondent, and International Chemical Workers Union, A.F.L., et al., Intervenor, and Warehouse Union Local 6, International Longshoremen's & Warehousemen's Union (CIO), Intervenor, and National Labor Relations Board, Petitioner, vs. Colgate-Palmolive-Peet Company, Respondent. Transcript of Record. Upon Petition to Review and Petition to Enforce Order of the National Labor Relations Board.

Filed February 3, 1947.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

